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CONGRESSIONAL RECORD — SENATE

S 6473

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The **PRESIDING OFFICER**. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now go into executive session to resume consideration of Executive Calendar No. 9, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 9, Treaty Document No. 100-11, Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles.

The Senate resumed consideration of the treaty.

The **PRESIDING OFFICER**. The Senator from Rhode Island.

Mr. PELL. Mr. President, is there an amendment pending?

The **PRESIDING OFFICER**. There is no amendment pending.

Mr. PELL. In view of that, hoping that our colleagues will hurry over here with whatever amendments they have, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The Senator from Delaware.

Mr. ROTH. Mr. President, I rise today to urge my colleagues in the Senate to proceed toward a speedy ratification of the INF Treaty. I say this because, in my opinion, this is a good treaty. It is a treaty which the U.S. Government has sought and it has been negotiated with considerable input from the Senate.

I stress, Mr. President, that this is a treaty which the United States has sought. Before he began the deployment of Pershing II's and ground launched cruise missiles in Western Europe, President Reagan proposed that all intermediate range weaponry be abolished from the European theater. That proposal, initially rejected by the Soviet Union, was subsequently accepted by Moscow and, in my opinion, must represent a considerable diplomatic victory for Ronald Reagan.

After several years of on-again, off-again negotiations the Soviet Union has, essentially agreed to the original United States position on intermediate range weaponry in Europe. A large arsenal of nuclear weapons is about to be destroyed. This, perhaps, constitutes the most important aspect of the INF Treaty. To date, the superpowers have discussed only the "capping" of new nuclear deployments or, in the

case of the ABM Treaty, the abolition of futuristic weaponry. In other words, the rhetoric of the arms control world is finally beginning to approximate reality—swords truly are being beaten into ploughshares and spears into pruning hooks.

I would also draw the attention of the Senate to the fact that this treaty is unbalanced and asymmetrical—a fact which I consider to be of the highest importance. This treaty will oblige the Soviet Union to destroy many more nuclear weapons than will be destroyed by the United States. In other words, we have succeeded, for the first time, in dispensing with the myth of United States and Soviet military parity. To date, arms control negotiations have been predicated upon the implicit assumption that the two superpowers hold roughly comparable military/strategic positions and that they have come to the negotiating table to discuss mutual, balanced reductions in the interests of peace.

But in many areas, the arsenals of the two superpowers are barely comparable. How can we begin to compare U.S. forces in Europe, even with the help of our allies, with those of the Red army and the Warsaw Pact? How could we compare the United States arsenal of Pershings and cruise missiles with the Soviet deployments of SS-20's? Even now, as we debate whether to proceed with the research and development of the Midgetman missile or the rail garrisoned MX, the Soviet Union is deploying a multiple warhead, rail mobile, ICBM. The Soviet Union's defense budget has, for many years, run at an unprecedentedly high level and this heavy spending has yielded results—both in large nuclear arsenals and huge conventional forces. In short, many future arms control agreements, particularly in the conventional field, will have to be asymmetrical if they are to be equitable and stabilizing. Moscow has built more weapons than the United States and, if it sincerely seeks peace, it will therefore have to destroy more weapons than the United States. I applaud the President and his negotiators for achieving what must be the first overtly asymmetrical arms control agreement in history. May there be many more.

If there are to be more arms control agreements along the lines of the INF Treaty, I believe that my colleagues in the Senate would be well-advised to examine the history of the INF issue. I recall that when President Reagan affirmed his decision to implement President Carter's decision to deploy intermediate range weapons in Europe, he encountered considerable criticism, both from within the so-called arms control community and from within the Congress, particularly the other body. Where would we be today if that criticism had taken hold, if we had legislated a so-called nuclear freeze and our initial deployments been frustrated. I hope that it would

be obvious to everyone here that we almost certainly would not be here today discussing the INF Treaty and the abolition of intermediate range missiles from the European theater.

We have succeeded in achieving a good INF Treaty because the United States dealt from a position of determination and strength. When NATO's willingness to deploy a new generation of nuclear weaponry was in doubt, the Soviet Union walked out of negotiations. When deployments began and the alliance held firm, the Soviets returned to the negotiating table. When threats and bullying failed to shake NATO resolve, the possibility of reaching an equitable treaty suddenly become near and, finally, a reality.

If we are to achieve further arms control agreements along these lines, we must remember the need to remain firm in the face of threats and united in the face of rhetoric. If we genuinely wish to see more equitable arms control treaties, we must recognize that we do not assist the arms control process by undercutting our negotiators with crude attempts to conduct negotiations from the Senate floor. Our negotiators in Geneva succeeded in negotiating this treaty because they were allowed a relatively free hand and they were not bedeviled by the problem of a Congress making premature, unilateral concessions to the Soviet side. I truly believe that if we wish this or any future administration to achieve a good, acceptable START Treaty, the Congress will have to learn to behave toward our strategic weaponry in the same way as it did toward our intermediate range weaponry.

If any Member doubts this analysis, I would ask them to consider the example of antisatellite weaponry. For several years, the Congress has strictly limited and, more recently, utterly forbidden the testing of U.S. antisatellite weaponry. Meanwhile, the Soviet Union has tested and deployed an antisatellite system capable of attacking any low orbiting satellite. I do not think that any of us should be shocked to learn that, to date, Moscow has shown little interest in negotiating the abolition of Asat weaponry.

Mr. President, this observation leads me to another, vital consideration; namely, NATO's conventional posture in Europe. Some critics of the INF Treaty have asserted that the removal of so many U.S. nuclear missiles exposes the weakness of NATO's conventional forces compared with those of the Warsaw Pact. This is correct but does not, in my judgment, constitute an argument for rejecting the treaty. It should, by now, be clear to us all that NATO must "raise the nuclear threshold," that there is no political consensus within the alliance which would allow it to continue to rely so heavily on nuclear weapons for its defense. If NATO's conventional weakness is, indeed, exposed, then we should view this as a call to improve

NATO's conventional defenses, not as a call to reject the treaty.

Naturally, a concerted program to improve NATO's conventional defenses should move hand in hand with a viable conventional arms control strategy. Such a strategy should aim for asymmetrical reductions which would leave NATO and Warsaw Pact forces at roughly the same size while weakening the pact's capacity to drive hard and fast into Western Europe. However, I must stress to my colleagues that the history of the INF agreement will, quite likely, repeat itself. In other words, Moscow will evince little interest in meaningful—and I stress meaningful—conventional arms control negotiations if it doubts NATO's commitment to conventional improvements or the overall U.S. commitment to buttressing the defense of Western Europe through the deployment of U.S. forces in that theater.

Before closing Mr. President, I would like to compliment the negotiators of this treaty on securing recognition of the need for on-site inspection as indispensable for true verification. However, on-site inspection, in and of itself, does not solve all problems and I would not wish to see the on-site inspection procedures adopted in the INF Treaty being used as a model for a future START Treaty. In my opinion, much greater scope should have been given for challenge inspections. The events of the past few weeks have indicated that the rights of inspectors should have been spelled out more clearly. In addition, our negotiators should have taken steps to insure that permanent inspectors should be installed at military plants of roughly comparable importance.

I fear that, in allowing Soviet inspectors access to the Bacchus Magna plant in Utah, we may run the risk of compromising several highly classified nonnuclear projects now being pursued at that site. The Soviet Union runs no similar risk. These security problems are serious but I am convinced that they can be dealt with. Certainly, I personally have received excellent cooperation, both from Secretary Carlucci and Ambassador Max Kampelman in my efforts to address these questions. I mention these problems solely in the hope that we will not witness their repetition in the negotiation of a START Treaty. I suspect that such a repetition could be avoided by the attachment of a plant security specialist to future arms control negotiating teams.

I do, sincerely, hope that this INF Treaty before us today will be ratified by the Senate prior to the pending superpower summit in Moscow and that the momentum gained by its ratification will lead to progress in the fields of strategic weaponry and the reduction of conventional forces under this, or the next, administration. The Senate can play a role in assisting this progress through the ratification of this INF Treaty.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I rise today in support of ratification of the INF Treaty. I believe that this treaty represents a small yet positive step in superpower relations and serves as a hopeful precedent for future arms control agreements.

I think it would be useful to go back a little and see what has happened with regard to nuclear arms control through the years.

If we go back to post-World War II days, we were the only real nuclear power in this world. We knew the Soviet Union was working toward that goal, but they did not yet have nuclear capability.

At that point, some of the wiser leaders in this country proposed that all nuclear matters be placed under international control for all nations, and we sought to get such an agreement from the Soviet Union. This was known as the Baruch plan or the Baruch-Lilienthal plan that was put forward in June 1946. The Soviets did not consider this seriously, and they turned it down. They were behind in nuclear technology and they wanted to go ahead and develop their own nuclear weapons.

Through the years, then, we tried to get the arms control process going again through various international forums, and we proposed time after time for some 40 years that fissile material either highly enriched uranium or plutonium—be brought under some kind of control, and that there be production controls on fissile material.

At each one of these presentations made by the United States, the Soviets would respond by saying, "Before we can go that route we must have comprehensive arms control agreements on both nuclear and conventional weapons."

Those were the superpower positions through the years, and it got us nowhere. The Soviets remained locked in to their position on comprehensive arms control and we locked in to our position that fissile material control was the important factor to consider. And so we have records of probably 50 or 60 proposals made through the years by the United States and 50 or 60 refusals by the Soviet Union.

Not being able to get agreement on control of fissile material and not being able to get comprehensive arms control, we pursued agreements in areas of common interest.

Following the Baruch-Lilienthal proposal that President Truman put forward, we, subsequently had the limited nuclear test ban that President

Kennedy put forward. Following that, President Johnson put forward the Latin American Nuclear Free Zone Treaty and the Nuclear Nonproliferation Treaty, and as a follow-on, I was coauthor of the Nuclear Nonproliferation Act which dealt with the spread of the technologies necessary to make nuclear weapons, and how we could restrict that flow of technology and equipment necessary to make nuclear weapons.

There are not many places in the world that can make the precision equipment necessary for setting out to develop a nuclear fissile material industry.

And that is what the Nuclear Nonproliferation Act tried to address.

During the period of the Nonproliferation Treaty and the Nuclear Nonproliferation Act, we put forward the following proposal: We said that we and the Soviets are the two nuclear superpowers. We have the huge stockpiles of nuclear weapons and we want to negotiate those stockpiles down and to make the world more safe. We do not want either side to miscalculate and someday start a nuclear war. And we pledged to the nations of the world that we will negotiate with the Soviet Union and try and get those stockpiles brought down to a lower level. While we are doing that, on the other hand, we are asking nonnuclear weapons states not to develop nuclear weapons in the meantime. We are trying to stuff some of this nuclear genie back into the bottle. We are trying for the first time with the Soviet Union to reduce our weapons stockpiles so that the world will be more safe. But at the same time, foreswear the development of nuclear weapons and we will cooperate with you in the peaceful development of the uses of nuclear technology.

How successful has that been? We have had 137 nations sign the NPT and foresworn the nuclear option. I think that is a great success story, and I think we should be proud of that.

We have stood before the rest of the world proclaiming the importance of nonproliferation and why we do not want to see the nuclear weapons of the world used in small border wars. But to the people involved in those border disputes, nonproliferation is every bit as vital to their national interest as our own.

So we cannot depend on that kind of common sense to prevail if both sides of smaller nations develop, possess, and threaten each other with nuclear weapons.

So that is where we have stood. We have had a pact with the nations of the world for the last 20 years or so. We have pledged ourselves to negotiate with the Soviet Union and try and get the superpowers' weapons stockpiles under better control. At the same time we will cooperate with the Third World nations and nonnuclear weapons states if they will foreswear the

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nuclear weapons option, and we will cooperate with you and help you obtain the peaceful benefits of nuclear power.

We have 137 nations that have signed the treaty and agreed to do exactly that. So it has been a two-pronged approach. One is dependent on the other.

Well, here we are some 40 years later and, here we have President Reagan and Secretary Gorbachev agreeing to make a beginning with the INF Treaty.

Now, how did that occur? It was decided to take a gradual, rather than a comprehensive approach to arms control. And the INF Treaty is a first step. Instead of taking on major issues such as fissile material and conventional arms control as the basis for negotiations, we backed off and took a little bite out of that bigger apple.

INF is a new formula. It is not overall arms control, it is only a piece of it. But the treaty builds to the future and sets a basis for future arms control negotiations.

Now, I would like to make a few observations directly on the INF Treaty itself.

No. 1, I think the treaty's significance is far more political and psychological than military for all the reasons I have just stated.

This agreement will affect only about 4 percent of the superpowers' nuclear arsenals. It will not have a profound impact on the United States-Soviet military balance. It just does not involve that many weapons.

However, the treaty sets several important precedents. When entered into force, this treaty will require the first ever reduction in existing nuclear missile stockpiles—not warheads but missile stockpiles—since the beginning of the nuclear age.

Furthermore, the INF Treaty establishes the important principle of asymmetrical reductions.

This is the first time they agreed to nonequal, asymmetrical reductions. And that is quite a breakthrough. We come out with the numerical advantage in the INF Treaty.

The Soviets will have to destroy approximately twice as many weapons delivery vehicles as the United States. This is a particularly important precedent, given the enormous numerical advantage of Warsaw Pact conventional forces. They have some 21,000-22,000 tanks along that East European border while NATO has around 7,000 tanks. Obviously, in future conventional arms control negotiations, there must be asymmetrical reductions on the Soviet side.

For there to be true, lasting military stability in Europe, the Warsaw Pact must be prepared to drastically reduce its conventional forces.

During the legislative break before last, about 5 weeks ago, I went with a congressional delegation to Vienna. We sat and talked to our mutual balance force reduction negotiators, those

people who are part of a conventional arms control process that has been ongoing for some 15 years without success.

But now, as a result of INF, the people over there told us that there is some hope. The Soviets have now assigned a higher ranking team to the negotiations. They are now coming forward with some new ideas. So perhaps there is hope that we are now going to see progress in this area of conventional forces.

Mr. President, I have always been particularly concerned also that our arms control agreements with the Soviets be adequately verifiable. We are not going to accept the Soviets word that they will abide by a treaty. We have only NTM, as it is called, our national technical means, by which we can observe from overhead or other clandestine methods what is going on in the Soviet Union. But we hardly can depend on that completely for all the information that is necessary to monitor an arms control agreement.

Now, the essential element of any arms control agreement is whether or not it contains sufficient provisions for each side to independently verify the compliance of the other. I would say to my colleagues this morning, Mr. President, that if I did not believe that this agreement was adequately verifiable, I would not hesitate to oppose its ratification.

At the time the SALT II Treaty was being considered in 1979, I was a member of the Senate Foreign Relations Committee, and I voted against recommending the treaty to the full Senate for ratification. My primary objection to SALT II was that I knew that our monitoring and verification capabilities at the time were not adequate to do the job. With the Iranian revolution, we had lost our monitoring facilities in Iran. We called these two sites Talkman I and Talkman II. We had lost those sites during the Iranian revolution. We had some other sources of verification that were malfunctioning.

At that time I stated that if "before the final vote on SALT II the administration can demonstrate that we have in place means to monitor permanently and adequately the treaty's provisions I will gladly become one of SALT II's enthusiastic supporters, but not until then."

But I monitored very closely what we were doing to try and recoup our monitoring capability. After closely monitoring the status of our verification capabilities over a 2-year period, I became convinced that the United States did, in fact, acquire such verification capabilities, and I announced my support for the SALT II Treaty ratification in October 1981.

Let me add, I have no such misgivings about the verifiability of the pending INF Treaty before the Senate.

Soviet acceptance of onsite inspection on such an unprecedented scale is

the most important aspect of the INF Treaty and represents a very important shift in the Soviet approach to arms control. This concession gives hope for future strategic and conventional arms control agreements that truly will be militarily significant.

Mr. President, in January I visited the Los Alamos and Sandia National Laboratories in New Mexico to review the latest arms control verification technologies, and the work being done in this important area is most impressive. I am confident that, given the treaty's combination of onsite inspection, its ban on flight-testing, and our national technical means of verification, the treaty's provisions will enable the United States to detect any militarily significant Soviet violations.

Some have expressed concern that this agreement will somehow distance or decouple the United States from our NATO allies. I believe this concern is greatly exaggerated. The most tangible expression of our military commitment in Europe is not nuclear missiles, but the presence of over 325,000 American troops in Western Europe as a tripwire for American involvement in the event of any Warsaw Pact aggression. Furthermore, this treaty will not result in the denuclearization of Western Europe. At the tactical, or battlefield level, NATO forces in Europe will still retain sufficient nuclear weaponry to deter attack from the Warsaw Pact. Also, our ground-based intercontinental ballistic missiles, and our air and sea platforms can cover the targets that would otherwise have been targeted by our Pershing II's and GLCM's.

Mr. President, the Senate has quite properly served its function in the treaty-making process by carefully scrutinizing in detail the provisions of this treaty and examining its broader national security implications. It is just this thorough review which, I believe, has helped resolve disputes with the Soviets in the last week regarding verification and clarification of the treaty's limits on futuristic weapons.

However, for the Senate to preserve its institutional role in the treaty-making process, I believe it has an obligation to refute the State Department's so-called Sofaer doctrine which asserts that the Executive is not bound, in implementing a treaty, by what it has told the Senate in seeking consent to ratification. This extraordinary doctrine came about as a result of the administration's apparent desire to reinterpret and thereby undermine the ABM Treaty, which places important constraints on the testing, development, and deployment of strategic defenses.

It is ironic that this administration, which places such a premium on the concept of original intent in other contexts, would attempt to put forth a treaty reinterpretation which contradicts the negotiating record as understood by all of the American negotia-

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tors at the time except one, as well as contradicting both the explanation of the ABM Treaty made to the Senate by the Nixon administration, and the Senate's understanding of the treaty when it gave its overwhelming support to the ABM Treaty by a vote of 88-2.

I support the Biden condition which reaffirms the constitutional principle that this treaty shall be interpreted "in accordance with the understanding of the Treaty shared by the Executive and the Senate at the time of Senate consent to ratification" based on the text of the treaty and reflected in the authoritative representations provided by the executive branch to the Senate. I urge that this condition not be stricken from the treaty's resolution of ratification.

Mr. President, while the Senate is now focusing its attention on the INF Treaty and its implications for national security, I have several concerns about the direction we are heading in the arms control process as we continue negotiation on a START agreement with the Soviets.

In INF we are making a breakthrough. As I said before, I view this breakthrough as being far more psychological and political than numerical. There are a lot of people who looked at this as a new basis for START; that if we have been able to negotiate this INF Treaty, can we not now use exactly the same basis and go right ahead and negotiate a START Treaty.

And I would say no, we cannot use this as the same basis. The fact that we were able to negotiate such a treaty with the Soviet Union makes us hopeful that we will be able to negotiate further in START and have subsequent arms negotiations, but it cannot be on this same basis.

Let me go back just a little. What would have happened at Reykjavik if both sides had truly agreed to eliminate all nuclear weapons and we had set up that agreement to be executed, 50 percent elimination over a 5-year period, to complete elimination over a 10-year period, we signed it and we did it without any other agreements in other areas? What would have happened?

Well, I would say we might have made Deng Xiaoping the nuclear king of the world. Is that what we want? Would another nation have come to the fore that would have a big superiority of nuclear weapons, and become nuclear king of the world, in effect?

Well, I cannot say that would absolutely have happened. But I do know this. If we are serious about going to 50 percent, 25 percent, 10 percent, and even 5 percent levels of our current nuclear arsenals we must at some point along that line bring other nuclear powers into those negotiations. They must be brought in as parties to this process or we are going to create a situation where we, and the Soviet Union, negotiate ourselves down to a low level and make some of the other

nuclear powers of the world the pre-eminent nuclear powers.

That is hardly the outcome we want in this negotiation. So, first, future negotiations must bring other nuclear powers into the negotiations, if we are to go to low levels of nuclear weaponry.

No. 2, we must have agreements on conventional balances. We have used our nuclear superiority, our accuracy, our numbers of weapons through the years as a balance to Soviet conventional superiority. We cannot take our nuclear weapons systems down to low levels and say this conventional imbalance does not exist any more. It does exist. And I would suggest that in future negotiations for START, we start out with conventional balance negotiations even before nuclear negotiations because it is absolutely necessary that we get agreements on conventional forces if we expect to have ratification of any treaty in START that is going to reduce our nuclear weapons down to 50 percent or below. I think that is a key element.

I also mentioned that the American posture through the years has been one of wanting to maintain control over fissile material production. It would seem to me that we have to get back to that in future negotiations.

I do not believe that most Americans are aware that this INF Treaty does not result in destruction of one single nuclear explosive device. People think we are destroying nuclear weapons. We are not. We are not destroying one nuclear explosive device.

Every nuclear bomb, will still be there when this treaty goes into effect. What we are destroying with this treaty is the delivery system, the pickup truck that carries the load, if you will. And somewhere in the future it seems to me in future arms control negotiations, in START or beyond that, we must address this problem directly. Let us say we had gone with the Reykjavik formula of eliminating all nuclear delivery vehicles. Would we really feel safe in some future time of crisis, knowing that the Soviets are sitting there with some 10,000 or 12,000 nuclear warheads on the shelf and we are sitting on our side with 10,000 or 12,000 nuclear warheads on the shelf? Would we really feel safe? I doubt that we would. I know that I would not.

So it seems to me somewhere the three things that must be addressed are bringing other nuclear powers into the equation; No. 2, dealing with the conventional weapons balance without which we will never have meaningful START reductions; and No. 3, somehow dealing with this fissile material issue in the future.

I am also very much aware that this fissile material arrangement in the INF Treaty probably results in a benefit to us because we have a need for some of that old fissile material. Our production system in this country for fissile material is not what it should be and so it may be to our advantage to

have the treaty exactly the way it is. But if the world in the future is really going to be made safer, then it seems to me we have to deal with these three matters when we get into future arms control negotiations.

But let me say this: Despite the treaty, the frightening truth is that the danger of nuclear war is rising. I hasten to add, not because of what the Soviets or the United States is doing, but because of what smaller or less industrialized nations are doing to develop or acquire nuclear weapons, and because of what the United States is not doing to stop it.

Let there be no mistake, the spread of nuclear weapons to more and more nations around the world is a major threat to the national security of our Nation. That threat will grow as other nations also acquire the missile capability to accurately deliver these weapons. But it will also grow because missiles are not necessary to deliver nuclear weapons anymore.

Some of today's nuclear weapons are small enough to be transported by light planes that escape border patrols. They can be carried by small boats and dock at remote and deserted coves. Some of them are even small enough to be delivered by terrorists carrying them in suitcases.

If you have a high level of nuclear technical sophistication these days, you can design weapons that are that small—reliable weapons—but you do not really need that. What you have are diplomatic pouches.

Most people think of a diplomatic pouch as a leather briefcase or a mailman's bag. I will destroy that myth by saying a diplomatic pouch can be supplied by sea containers coming in on ships. Many tons of equipment can come in as "diplomatic pouches."

So the thought that somehow we can catch all material coming in is no more true for nuclear weapons than it is for drugs coming across our borders, and we know what the experience has been with that. It has taught us the impossibility of sealing our borders against the determined efforts of smugglers.

This goes back, once again, to trying to prevent Third World nations from getting nuclear weapons, and trying to get them to agree with the sanctions we put forward in the Nuclear Non-proliferation Act of 1978.

We have 137 nations who have agreed to that, but some nations have not.

I feel that for the past 8 years, the administration has not played completely straight with the American people on this issue. They have pretended that the lack of nuclear testing by the so-called nonweapons states means that proliferation is not occurring. They claim that a policy of easing or eliminating our laws that place restrictions on dangerous nuclear trade will bring nonproliferation benefits.

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Let us look at this a minute. Let me give you some examples and see what has happened.

Pakistan has, for all practical purposes, become a nuclear weapon state. That nation has stolen nuclear technology from us; they violated our nuclear export control laws; and they made numerous assurances to the President that were not kept. The administration's response was to reward Pakistan with a multibillion dollar aid package that was unaccompanied by restraints on Pakistan's nuclear activities.

I know all the reasons why we did not want to do this. We wanted to send aid through Pakistan to counter the Soviets' presence in Afghanistan. We wanted to send arms to the Mujahidin. I supported sending arms to the Mujahidin, but I did not support giving the aid package to Pakistan without having some agreement with regard to nuclear weapons.

Pakistan is not the only country to have made major strides in nuclear weapons capability in the last 8 years. India, which exploded a primitive nuclear device in 1974, is producing bomb-grade plutonium; testing a long-range missile; is reportedly buying heavy water on the black market; and claims to be able to enrich uranium to any level. I certainly do not doubt that claim.

South Africa is believed to have stockpiled enough high enriched uranium from an indigenous plant to produce a significant number of nuclear weapons. The administration aided this program by turning a blind eye to the activities of a United States nuclear fuel broker in finding new uranium fuel for South Africa's power reactors from European sources, thereby allowing South Africa to preserve its stockpile of uranium for nuclear weapons.

Argentina has developed the ability to enrich uranium, possesses unsafeguarded nuclear facilities, and is working on a long-range nuclear capable ballistic missile.

Let me add that Argentina is providing nuclear technical assistance to Khomeini's Iran under a multimillion dollar contract.

Brazil has a nuclear program run by its military, is building unsafeguarded nuclear facilities, and has concluded a \$2 billion deal with Qadhafi's Libya to build an intermediate range ballistic missile with a range of over 600 miles.

Finally, Mr. President, we must not neglect the fact that Israel also has a growing nuclear program, one of the consequences for the failure to make progress toward a comprehensive Middle East political settlement that would guarantee Israel's right to exist within stable and secure borders.

That is not a good record. It just details a few of the countries desiring to have nuclear weapons. I do not want to see us abandon our previously held U.S. controls over the production and use of plutonium by our allies. Let me give one other example.

Look at Japan, for instance. The recently concluded treaty with Japan says for the next 30 years, Japan will have United States permission to receive tons of plutonium from United States-origin materials. What an attractive target for terrorists.

Why do we do this? For 30 years, we are giving the rights for plutonium production from American-origin material to the Japanese. I am not that worried about the Japanese right now. But who knows what will happen in 30 years. What kind of a precedent does this set for other nations?

We voted on this and lost that fight on the Senate floor a short time ago. Some of the things being said about the treaty on the floor at that time were just not borne out by fact. What we have tried to do is prevent any nation in the world from moving to a plutonium-based economy.

It was said on the Senate floor that they would cancel their uranium enrichment purchases in this country. What they are really driving toward is a plutonium-based nuclear industry that will not need any high enriched uranium from this country.

So business will be going down for the United States as they proceed on their plans toward a plutonium economy, and that is what this treaty helped them to do.

While there has not been the fight against nuclear proliferation by this administration that I would like to have seen and efforts to make nuclear terrorism more difficult, I think the battle is not lost. We must not abandon that fight.

Mr. ADAMS. Will the Senator from Ohio yield for a moment? I just want to join the Senator from Ohio in his remarks about both the Japanese treaty and the nonproliferation work that he has been doing. It is an incredibly important thing for this Nation, and the Senator from Ohio has been a leader in this struggle.

I agree with him completely that the establishment of plutonium-based economies throughout the world which produce atomic weapons type fuel is a danger to the future of the world and particularly as it spreads, if it does—and I hope it does not—to Third World countries.

As the Senator from Ohio has pointed out, it is not that we worry about Japan at this moment, but as you spread the danger of this material being removed from them either by terrorist tactics or otherwise, it just increases the danger of a nuclear explosion or series of them occurring.

I just wanted to compliment the Senator from Ohio on the work that he has done and join with him and say that this struggle is not over.

Mr. GLENN. I thank very much the distinguished Senator from Washington for his comments. I am very much aware of the personal efforts he has put into this fight also. It has been a long, hard struggle, one that we will continue. I welcome the Senator's help

as I have welcomed the opportunity to work with him on things that he has proposed on the floor of the Senate.

Mr. President, in this area of the spread of nuclear weapons to other nations around the world, I think there are a number of things we can do to restore the credibility of U.S. policy on this issue. I set these forward as principles, if you will. First, the President should reorganize the executive branch effort on nuclear nonproliferation to give it a more visible presence as an important element of U.S. national security policy. The Department of Defense, the Arms Control and Disarmament Agency, as well as the State Department and Department of Energy must play major roles.

Second, there should be no promotion of commercial uses of nuclear weapon-usable materials either at home or abroad.

Third, we need a comprehensive technical assessment of the adequacy of current international safeguards at sensitive nuclear fuel cycle facilities. Safe and sane international commerce in nuclear equipment and technology depends on the credibility of these safeguards. And they must be judged as adequate before the world begins large-scale commercial uses of plutonium or highly enriched uranium.

Fourth, we must upgrade international standards governing the physical security of nuclear materials, especially against the threat of nuclear threat, sabotage, or terrorism.

Fifth, we must stop creating loopholes in our nuclear laws that serve to coddle proliferators. If Pakistan, for example, expects to have a long-term stable relationship with the United States, we should demand that Pakistan comply with its past assurances concerning the peaceful nature of its nuclear program. We should not aid those who flagrantly violate such assurances.

Sixth, we should redouble our efforts to encourage South Africa to fulfill its promise to join the Nonproliferation Treaty.

Seventh, as part of a Middle East peace settlement, we should encourage the creation of a nuclear-free zone along the lines favored by both Israel and Egypt.

Eighth, we must explore along with other members of the global nuclear regime the development of coordinated international sanctions against nations that engage in nuclear terrorism or proliferation.

Ninth, we must place nuclear nonproliferation above commercial or economic self-interest whenever these goals are in conflict. This was the policy of Presidents Ford and Carter, and it was a good policy.

Tenth, we must redouble our efforts to get West Germany, France, Japan and other nuclear suppliers to require their nuclear customers to have safeguards over all their nuclear facilities.

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And last but not least, we must take further steps with the Soviet Union to satisfy our obligations under the Nuclear Nonproliferation Treaty to end the nuclear arms race. That is what the INF/Treaty is all about.

Mr. President, these things I have outlined toward Third World nations in trying to control nuclear weapons from those sources are not a panacea. They are merely a set of principles and goals that, if pursued, will make the United States and the rest of the world breathe a little easier when contemplating the future. I am afraid we have been marking time when not actually moving backward in this area in the last few years. It is time to move ahead and retake our rightful position as the world's leader in preventing the spread of nuclear weapons.

Mr. President, I have addressed several issues this morning. I made observations on where I think the INF Treaty leads us in the future as far as how we should be negotiating a START Treaty and beyond, and what some of the basic requirements are going to be—requirements of getting other nations involved, requirements of getting more equitable conventional balances, and requirements of getting some sort of control over fissile material in the future. What this points out is the problem of nuclear weapons and how many faceted that problem is. Future negotiations, I submit, must start at the bottom, not at the top. I think if there is one thing we have learned from this INF experience, it is that our insistence on taking the big approach, through some 40 years did not work. Looking at it from the Kremlin's perspective their approach also did not work. We finally made progress when we dropped back a step and made some progress with INF.

So I want to support INF. I am an enthusiastic supporter of it. Now that we have ironed out the matters that we thought were being misinterpreted by the Soviets. I am an enthusiastic supporter of the treaty, not because of what it does militarily, because that is fairly minimal, but what it does in opening up opportunity in the future. It opens up opportunities we have not had through the whole nuclear age. We proposed through all those 40 years time after time that we have agreement on nuclear weapons with the Soviets, and they countered by saying that we need overall arms control before we can agree to the nuclear weapons proposals of the United States.

INF does not even deal with nuclear explosive devices. It deals with delivery systems of very limited ranges, so it is a small piece of the overall arms control picture. But let us use that piece as a stepping stone to the future.

Meanwhile, as I have pointed out in my remarks, we must also address proliferation of weapons and the danger of nuclear war rising because of the spread of nuclear weapons to more countries around the world.

We now are beginning to move in this one area with the Soviet Union, and I want to see the START talks continue on the basis that I have outlined this morning. At the same time we need to keep attention focused on preventing the spread of weapons to more and more nations around the world because it will do us little good to get an agreement overall with the Soviet Union sometime in the future if at the same time we find nuclear weapons being used off in border wars by smaller countries around this world.

Mr. President, I rise in support of the INF Treaty, not because of what it does militarily, but because of the tremendous opportunity it opens up for the future. Let us build on it.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, there is nobody here to offer an amendment, to my regret. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I think I should state what my intentions are and the way I see things possibly unfolding.

I hope that today we can get unanimous consent to go on the treaty to the resolution of ratification. That would save a day, if we could get unanimous consent to do that, because under the rules, in dealing with the treaty, the rules and precedents are far different from those in dealing with bills and resolutions. It is required under the rules in connection with deliberations on treaties for the Senate to go over a day after the action on a treaty has been completed, before taking up the resolution of ratification. If we could get unanimous consent to waive that rule and go from the treaty to the resolution of ratification today, that would save a day. We have only Wednesday, Thursday, and Friday left—and Saturday, if necessary. That is 4 days.

Mr. President, so that the RECORD can be all clear in one piece, I have never felt that the Senate should accommodate itself to somebody else's schedule—the President's or anybody else's—when it comes to fulfilling its constitutional role, which is a peculiar and unique role under the Constitution, with respect to treaties and confirmations.

There were problems with this treaty, and those problems were brought to light by the committees that had jurisdiction. As a result, the administration entered into renegoti-

ations with the Soviets, and those problems that had emerged were resolved to the satisfaction of the three committees in the Senate that have jurisdiction—Armed Services, Intelligence, and Foreign Relations.

That being the case, I feel that the Senate is definitely going to approve this treaty. I intend to vote for the approval. I have no problems with trying to get this done this week.

As a matter of fact, now that these problems have been resolved and the Senate is taking its time in deliberating on the treaty, I support final action on this treaty in time for the President to exchange the instruments of ratification while he is at the summit. I think the President's hand would be strengthened there, and I think it would be in the interests of our own country to have the President with the instruments of ratification, ready to proceed, after the Senate has had its opportunity to duly deliberate on the treaty.

I know that there are Senators who have had amendments to the treaty and who probably still have. I have not attempted to push or pressure or hasten unduly the action on such amendments, but I believe that the time has come now. If I had any doubts about the treaty, I would feel differently about trying to get the approval of the treaty before the week is out. Having already stated the reassurances that have been given by the committees, I need not go over that again.

So I think the time has come now for the Senate to dispose of action on the treaty and get on to the resolution of ratification. There are some amendments on this side of the aisle, and the committee amendment with respect to the reinterpretation of treaties is a very important amendment, so far as I am concerned, because I am extremely concerned about the institutional role of this body and that that institutional role not be eroded for any reason—summits or whatever.

I feel that we should proceed. I would hope that other Senators who have amendments to the resolution of ratification will have an opportunity to call up their amendments.

The invoking of cloture on the treaty could possibly, under certain circumstances, freeze out all other amendments to the resolution of ratification, with the exception of the committee amendment.

I want to protect that committee amendment. I am not saying there might not be some improvement over it. I want to be sure that the institutional role of the Senate is not weakened or eroded in any fashion or form.

If the Senate can move now to the resolution of ratification, or some time today, thus waiving the rule that requires the Senate to go over a day, we can then proceed with our amendments. Senator HOLLINGS has an

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amendment that I know about, and there are other Senators.

I have no doubt that cloture will be invoked. It is, of course, possible to devise a scenario in which Senators who are determinedly opposed to action on the treaty this week could string us out. I am not implying that there are any Senators who would do that. If we want to engage ourselves in examining all the scenarios, that certainly would be possible. It would not be too difficult, as a matter of fact. It would make it harder on all of us.

There is another scenario in which 30 hours conceivably could be completed before Saturday. This would necessitate at least one all-night session, but I hope we will not have to go to such lengths.

Therefore, having said this for the purpose that the record might be clear and that the press and others might understand what the situation is, so that they can also be better guided in their scheduling, the cloture motion will be filed today on the treaty, unless in the meantime we can get consent to go from the treaty to the resolution of ratification, in which case I would offer the cloture motion to the resolution of ratification.

I hope that the best in all worlds would allow us to finally end up with some kind of unanimous-consent agreement that will allow Senators who have been offering amendments to offer whatever amendments they have that they may want to still entertain, allow Senators on this side of the aisle to offer amendments that they have in mind, and allow for a scheduled hour and date for final vote on the resolution of ratification.

For the benefit of those who are listening, the Senate does not vote on the treaty. The Senate votes on the resolution of ratification. So there will not be any vote on the treaty. The final vote will be on the resolution of ratification. Should the 30 hours come in, and that is an unlikely but certainly conceivable and possible scenario, once 30 hours have been consumed, if it went to that length, then the final vote would occur on the resolution of ratification, but the pending question at that moment would be the committee amendment. That is the situation.

I urge all Senators to be prepared for a long session. I do not see any necessity for a long session today because in introducing the cloture motion, that would not ripen until Thursday. So there will be no point in staying late, late, late this evening. There might be a point in staying late, late, late, late tomorrow evening, and it could be that the Senate will have to be in late, late, late, late on Thursday. Possibly all that can be avoided because I believe that there are reasonable men and women in this Senate and we all certainly want to be fair with each other and see that each Senator has his opportunity to debate and offer amendments. Perhaps we

can arrive at some agreement after a while. I would hope so.

I have seen it happen so many times before rather than spend all night, and I am well aware that there are Senators who are willing to spend all night to uphold their principles and their viewpoints as they see them, and I respect that.

I would say to the Republican leader I do not see any need of staying all night tonight, but if we could get such a consent, since we both have our conferences today, we can get such consent to move on to the resolution of ratification. Perhaps we can dispose of some of the amendments to the resolution today and if we had to be in into the evening to a reasonable hour today, it would help us to achieve our ultimate goal before the week is out.

I would like to be out Saturday and not have to come in. I believe that the work can be done without our having to be in Saturday. But if we have to be in Saturday, then we will have to be in Saturday, and I would hope that Senators would be prepared for such in the event that that turns out to be our only recourse.

I yield to the distinguished Republican leader.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I think the majority leader has stated the case clearly, and we will join in a cloture motion. In fact, it is in the process of being signed now by Members on both sides of the aisle. This must be a bipartisan effort. We have been on the treaty now for a week. We started last Tuesday. It is a week later.

We did meet with the President this morning. There is no doubt in my mind he would very much like to have the articles of ratification to exchange. We still have some time. He leaves tomorrow, but I understand that Senator Baker is going to be joining him on Saturday. He could take them over Saturday or somehow they could be delivered.

So, I would hope, as the majority leader has indicated, that there is some way to go from the treaty to the resolution of ratification. There are a number of issues, a number of amendments, reservations, whatever different categories, category 1, 2, and 3 amendments, on both sides of the aisle, and some are going to take some time. The reinterpretation amendment could consume most of the 30 hours. We hope that there is some way to resolve that so that we do not spend all the time on that particular amendment. Although I have not been intimately involved, it is my understanding there are not many word differences. The distinguished Senator from Indiana has been working with other Senators on the other side.

I am encouraged by what the majority leader has stated. I think he has indicated in the statement he just made that it is his intention, everything else being equal, not being bound by any

arbitrary date, but everything else being equal, having been satisfied because of the exchange of notes that have taken care of several of the nine different areas, that that being done, maybe we can accommodate the President without any diminution of the role of the Senate. In fact, I think it underscores the role of the Senate. It is an important role. It is a constitutional role. As the distinguished majority leader indicated this morning at the White House, the Soviets should understand that we have a different system. They may have zipped theirs through yesterday afternoon, I guess, with just a winking of an eye. But that does not happen here. And no one is attempting to cut off anyone on either side.

I guess the only thing I would suggest is if anybody has amendments, let us get them up, let us have a vote, and even better yet, as the majority leader suggested, let us move on to the resolution of ratification. There is still plenty of time to debate that. Hopefully, we can work out some unanimous-consent agreement a little later on.

I certainly do not look forward to an all-night session. We are willing to do it, but I hope we do not come to that. I hope we can work out something that does not keep all of us in all night long.

But if that is necessary, obviously we are prepared to do it. Members on both sides are, but I would just hope, as the Republican leader, speaking for my Republican President, who is in the last year of his second term, that we might be able to accommodate him in this instance. There is not any doubt about this treaty or the consent to ratification being given by this body. The question is just how many votes are going to be for it. It is going to be 94, 95, 92. It is not even close.

So, it would seem, under those circumstances, we can make a good case after having ample time for debate for anyone who wants to debate, offer amendments, do whatever, to try to accommodate Ronald Reagan who I think in this instance has done an outstanding job. He deserves our support. The Soviets should know when Ronald Reagan arrives in Moscow or during his visit there he is supported in a bipartisan way by the Congress, the American people, and somehow we have to do that.

I am encouraged by what the majority leader says and I really believe when all is said and done we can all come together. Some may not be for the treaty, but I hope they will let us go ahead and proceed, those of us who are for the resolution of ratification, if we are given the opportunity to do that, hopefully by maybe even early Friday, like 3 o'clock Friday afternoon.

Mr. BYRD. Mr. President, let me just make one other statement with regard to a possible veto message coming into the Senate. A veto message, should it reach the Senate in ex-

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ecutive session, has to be brought in and the veto message would have precedence over rule XXII. So even if cloture had been invoked on a treaty, if the Senate went into legislative session it would have to proceed with that veto message unless a way can be found to postpone the attempt to override.

I will do everything I can to keep a veto message from impeding our work on the treaty.

I hope that in that event I can have the cooperation of everyone on both sides.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I would like to say, as one of the committee chairmen who have been involved in this treaty, that I agree with everything the majority leader and minority leader have said. I think we have had legitimate debate. I think we have had substantive debate. There are important amendments that need to be considered, both on the treaty and the resolution of ratification, but I see no reason that we cannot complete this treaty this week and handle all the legitimate questions. It may not be handled to everyone's satisfaction, it may not win the votes, but I believe that we do not have such a number of amendments that would require us to go into next week. I think we can finish this week, assuming there is no delay.

I also believe we ought to do what we can, other things being equal, to pass this treaty and to do it by the time the President starts his summit conference with General Secretary Gorbachev. I would not say that if I thought there were outstanding problems, because I do not think that deadline should drive us if the are outstanding problems that can be resolved that have not been resolved. But I do believe we have done about as thorough a job on this treaty, in all the committees and on both sides of the aisle, as can be done on a treaty. That does not mean that we can anticipate every problem. Maybe something will come up later, but I think we have done a very thorough job.

NATIONAL DEFENSE AUTHORIZATION ACT

(In accordance with the unanimous-consent agreement subsequently entered, the following colloquy appears in the RECORD as if in legislative session:)

Mr. NUNN. Mr. President, while the minority leader is here and we have the Senator from New York, the Senator from Virginia, and the majority leader, I would like to talk about logjam No. 2, and that is the defense bill.

I hope I can get the attention of my friend from New York, because the Senator from Virginia and I have met

informally with the leadership of the House Armed Services Committee, Congressman ASPIN and Congressman DICKINSON, and I hope to get started on the conference this week.

The reason that is important is we really do not have much time left in this session. If we do not get started on the defense bill conference this week, then next week is not going to be able to be utilized by the staff working on a number of—we have over 400 language differences on that bill. Even if all those can be worked out in 20 minutes or 30 minutes—and they cannot—we have a huge conference. We are talking about a national security bill that affects every part of our defense.

So while I think the INF Treaty is the top priority, I hope we can resolve the D'Amato amendment, which clearly a majority of this body are in favor of, but I hope we can resolve it on another bill.

The reason I say that to my friend from New York—let me just walk him through what is going to happen if we pass the D'Amato amendment on this bill. Assuming it did get by cloture, and assuming that the 30 hours are used, we are talking about wading through this week, we are talking about 1 week of recess, where we will not be able to handle any of the defense conference, we are talking about, if the Senator from New York is successful, at least a week on the capital punishment issue here on the floor of the Senate. Then we are talking about going to conference sometime about the middle or the end of June, even if it passes, even if cloture is invoked.

Now what happens then? What happens then, the House Judiciary Committee becomes special conferees. They are going to be conferees only on the capital punishment provision. And what do they do? They come in and politely meet one time and then they basically say, "We will get back with you."

Now, they have no take in the defense bill at all. I am not criticizing the House Judiciary Committee, but they really do not have a stake as to when the defense bill passes. So it does not matter to them whether it passes at all or in September or October.

We have been through this before. We have had a death penalty on our bill before and we made absolutely no progress in conference. Nothing is going to be able to be passed out of the conference. The only way you are going to get a death penalty passed through the House and the Senate is for both bodies to vote on it. The House is going to have to vote on it.

If I could get the attention of the Senator from New York, let me give him something in the way of an alternative. First of all, there has already been an indication from those opposing the death penalty on this side for kingpin drug dealers—and I am not one of those who have been opposing

it, and I have voted with the Senator and will continue to do so—they have already said they will give him a time to bring up the matter on a separate bill.

Now, what is wrong with that? I do not know of anything wrong with it, because it can be passed, cloture will have to be invoked, it will go to conference then you will be in conference between the two Judiciary Committees, which is where it will have to be resolved in the final analysis. The Armed Services Committee of the Senate and the House cannot and will never be able to resolve the death penalty in our conference. The House Judiciary Committee will not approve it and I do not think our Judiciary Committee would.

So what is the alternative? Another alternative, we know we are going to have a major drug bill. We know that the President has a group working on it, the House has a group working on it, and the Senate has a group working on it. We know we are going to have a drug bill. Now, when this drug bill comes up—and it is going to have, if anything, more priority and more political momentum than the defense bill—the House is going to have a chance to vote on the death penalty. They will be voting on the major drug bill that comes before the House.

Mr. D'AMATO. Will the Senator yield just in response to that?

Mr. NUNN. I am glad to yield.

Mr. D'AMATO. Mr. President, I can see exactly the same thing taking place again, because I saw it take place as it related to the drug bill 2 years ago. This body dropped it. I think we did the responsible thing, because we had a good bill that provided for education, that provided for more law enforcement services. The argument was put forth, and I think successfully so: Why would we want to impede this legislation that was so necessary and get it hung up over the death penalty bill? All of us, including this Senator and those who are in favor of the death penalty, yielded to what I think was a very rational and persuasive argument.

Let me suggest, though, that is going to be, and has been, the very same time-honored fashion by which the opponents, or the minority, have thwarted the will of the majority and the people of this country, as well as this body, by saying "We will filibuster," and we continually give in.

It just seems to me that that will absolutely be the fate of any attempt to use the drug bill as a vehicle by which to bring forth the death penalty. The same argument, same fate, and that is what I am concerned about.

However, I will respond to some of the other initiatives the Senator has suggested if he wishes, because I think he has only yielded for the purpose of my responding to him and I do not wish to go further.

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Senator from New York and yet I am on his side. I think the Senator from New York in his zest and zeal is losing a perspective, that I think we all have on this particular measure. I will do anything I can to move forward the defense authorization bill. I simply feel that the Senator from New York is being unfair to many of us who support his message.

Now, it is not that we are going to let the sharks get away. It is not that we are for dealing with Noriega or any other person who has been indicted for drug violations. Simply stated, it is a situation where we have moved very aggressively and have got the military now on board, and I am sure that something very close to what was passed in the Senate in that regard will indeed be a part and come out of the conference with the House of Representatives.

I think the Senator from New York is being unfair to many of us who support his position by indicating and throwing challenges at us when we are on his side. I certainly do not expect those people who do not agree with the death penalty for moral convictions that they have—and I respect other people's points of view. I respect other people's religion. I respect other people's hesitation about the death penalty. I do not happen to share that. But I think those who are opposed to the amendment on which we have joined the Senator have a right also to exercise their privileges, their prerogatives and the rules of the Senate. We are simply saying to the Senator from New York, can we not appeal to reason. I think it is very unfair for the Senator from New York to indicate, directly or indirectly or slyly, that if we cannot get this worked out over here, we will let some drug dealers or drug murderers go. The opposite is the truth.

I would simply say to the Senator from New York that we have placed into effect the might of the military to interdict drugs, to stop the drug peddlers. I think what he is saying is that if we do not also agree to burn them, then we are not sincere in our convictions.

Mr. D'AMATO. Will the Senator yield?

Mr. EXON. I will yield in just a moment.

Mr. D'AMATO. May I ask the Chair whose time it is?

The PRESIDING OFFICER. The Senator from New York has the time.

Mr. D'AMATO. I am going to take my own time. I listened to the Senator, I think, quite politely. I did not make any inferences like that. I think the Senator has gone well beyond the bounds of propriety. Let me suggest to the Senator that I have not delayed this body from its actions. Let me also suggest to the Senator, rather than come down here and berate me as he has, that he might take it upon himself to speak to his colleagues, because I am not the person who is holding

this up. And, third, I did not challenge the Senator or anybody from the Armed Services Committee to undertake the action of proper use of the military. If the Senator heard me, I said it was the President as Commander in Chief who would use that right now.

As to this business about the death penalty and burning, et cetera, the fact is nobody says anything about burning. I said that as it relates to a national policy when we are talking about drugs, how can the administration be doing that on the one hand as it relates to the small time, petty dealer, and as it relates to Noriega, the big fish, we let him swim away. I do not think there is anything inconsistent with what I have said. The fact is I suggest maybe the Senator speak to some of the colleagues who are holding this up. I am ready to set this aside for a time certain, for an agreement on my amendment but without there being a whole list of amendments that we have got to consider up or down on the D'Amato amendment—freestanding. Let it win, let it fail, a time certain. Now, I do not think that is unreasonable. That is the proposition I put forth.

I hope that the chairman and the ranking member and others who seek goodwill and comity would attempt to bring that about. If it cannot be accepted, then I would like to know why.

I think the people who reject it have a duty to come to the floor and answer. I have attempted to work out a solution in good faith.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Nebraska.

Mr. EXON. Mr. President, I did not intend to berate the Senator from New York. I was simply trying to appeal to reason. I certainly will talk to those on this side with regard to a limited number of amendments that they could offer on the freestanding bill. From that standpoint, the Senator from New York is probably right in maintaining the position that he has.

I simply say once again that whether we can get that agreement or not, I say to my colleague from New York, I think the Senate cannot be held hostage either by those who want the death penalty on the drug bill or those who are against the penalty of the drug bill. In fact, I am not certain that the matter of the death penalty, as much as I am for it, is particularly germane to the defense authorization bill. I suspect probably it is not.

I simply say to my friend from New York that what I am trying to do is appeal to him as I have appealed to those on this side and some on his side, I might add, who do not agree with our position on the death penalty. I am trying to give all sides fair consideration. I take it that if we could work out something with a vote certain, with limited amendments, that the Senator would not press forward, as he indicated this morning, with any

kind of a binding commitment from the House of Representatives; is that correct?

Mr. D'AMATO. Let me say this: I am open to continued discussion as it relates to the freestanding amendment without there being any commitment from the House of Representatives. I am willing also to talk about it as it relates to utilization on the drug bill. The leader and the minority leader can come together and there are attempts to come together, but again failing such an agreement, we will be back here in the same position, we will have the same setting—I was going to say "cast" of something, but that would be inappropriate. But we will have the same cast. Once again, they will say, "You are holding up this important consideration, education money, rehabilitation money, the kinds of programs we need. Don't you stand in the way." And we will take it down.

So if there is a way to work on using the death penalty or putting it on an appropriate vehicle and agreeing that it will not be used as the vehicle to hold other things hostage, some time agreement, I am certainly amenable to taking that into consideration. I think I can bring that back to conference and to about 20-plus other Senators who support me, who said do not take this down. We are tired of having this situation go on. I think on that basis I may get them to go along with this. I will certainly attempt to do that.

Now we have discussed another vehicle, the drug bill that might come forth, and maybe we can get those who have held this legislation hostage to allow there to be the kind of consideration that I think that the American people are entitled to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I would advise my friend from New York that I hope he will agree with me that regardless of who is taking the hostages. The defense authorization bill is indeed being held hostage by matters that do not directly relate to the national security interests of the United States in the traditional sense. I hope we can work something out. I hope our discussion today can lead the way to a better understanding so we do not have a whole series of more votes, including the possible tabling amendment by the Senator from New York, that may require some of us to choose because we feel very importantly about the national security interests of the United States just as we think the drug matter is very important. Sometimes we have to choose between the two. I think we are heading for an impasse that I will do everything that I can to break.

Mr. D'AMATO. I thank the Senator.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I believe the Senator was recognized first. I ask him to withhold.

Mr. EXON. I withhold. I did not realize that my colleague was seeking recognition.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The Senate continued with consideration of the treaty.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have been widely advertised around the country for the last little while as filibustering the treaty. Until I sought recognition just now I had spoken exactly nine words on the floor this morning, and I have been here since just a few minutes after 10 o'clock. The nine words were, "Mr. President, I suggest the absence of a quorum."

The situation as it pertains to the treaty also pertains to the Senator from New York. The amendment of the Senator from New York has already been addressed by this Senate. Sixty-eight Senators rejected a motion to table. So obviously the Senator from New York is not holding up the Senate, nor are those few of us who have dared to question the perfection of the State Department and its negotiators with respect to the INF.

A week ago today at 2:35 p.m. the Senate began consideration of this treaty. There has been a lockstep motion in the Senate to reject all amendments, no matter how related they are, nor how important they are. All amendments have been rejected because the State Department came to the Foreign Relations Committee and said there must be no amendments to this treaty—none because the Soviets will not like it. Well, I happen to be one of those Senators who does not care much whether the Soviets like it or not. I think the treaty ought to be perfected by the U.S. Senate under the authority and responsibility bestowed upon the Senate by the Constitution of the United States.

Within an hour after the treaty became the pending business in the Senate last Tuesday at 2:35, there were Senators on the other side who were beginning to use the word "filibuster," talking about filibustering. Well, I scribbled down a few notes about what is the normal process for treaties, controversial treaties. The Neutrality Treaty took 22 legislative days, Mr. President; 20 in consideration of the treaty text itself and 2 days on the resolution of ratification. On the Panama Canal Treaties, and there were two of them, it took 38 leg-

islative days, 36 devoted to the consideration of the treaty text, and 2 to the resolution of ratification.

I might add that the Panama Canal Treaty consideration spanned a period of 70 days, as I recall. This Senator is convinced that even with that consideration, a serious mistake was made for which we are paying now in Central America. Those treaties were the key that unlocked the door to the Soviets moving into Nicaragua, using its surrogate, Fidel Castro, in Cuba.

So the predictions that we heard on this floor day after day over that 70-day period, including 36 days for consideration of the treaty and 2 days for the resolution of ratification, the predictions that this would really solve our problems in Central America have not quite proved to be accurate. Similarly, nor will the assurances given by the Secretary of State, our negotiators, and others in the administration that everything is going to be hunky-dory with the Soviet Union, we are going to be able to verify, therefore we should trust. That is what this debate is all about.

The distinguished managers of the bill—and I respect them; I know the job they have assigned for themselves—have even rejected amendments correcting known errors, acknowledged by the U.S. State Department, because we do not want to amend the treaty. Let us do it on the resolution of ratification. We do not want to do anything that has to go back to Mr. Gorbachev.

We should say "Look here, old buddy. You fouled up. We fouled up. Both sides fouled up on this treaty."

I am pained to understand just why it is that this administration—and it is my administration—has become such a bunch of nervous Nellies about going to Gorbachev and working out these defects in this treaty. If he is the nice man that the media is portraying him as being; if he wants peace; if he wants arms reduction, I would think that he would whip out his pen and say: "Let's get this straight. You're right about that."

No, we will not even examine the question of the covert SS-20's, which the vast majority of our intelligence community says that the Soviets have. We might offend Mr. Gorbachev.

I say again, I do not care whether we offend him or not. Let us get it right the first time, before this Senate attaches its approval to the ratification of the treaty.

I am hearing a little too much of my own patience, suggestions that we ought to do this for the Gipper.

However, situations like this have come up before. I think Teddy Roosevelt understood it. I ran across a little statement by Teddy Roosevelt about this very subject.

Before I read this, I will say that I was the first sitting Senator in the year 1973 to make a commitment to Ronald Reagan, to support his candidacy if he should run for President.

He did run for President in 1976, and I supported him; and I supported him in 1980; and I supported him in 1984.

So I think it is irrelevant for some Senators who were not supporting him during all of those years to say, "Oh, we've got to support the President."

I like Ronald Reagan. He is a fine man. I do not agree with him all the time; he does not agree with me all the time. I presume that he and I would agree that neither of us should be a "yes" man. Certainly, I will never be. I think he is wrong about this treaty. I think he has been misled; I think he has been misguided.

My conscience will not allow me not to pursue the obvious defects in this treaty, because I think I owe it to, among others, three children in Raleigh, NC, and six grandchildren. If I pursue it and lose, it will not be the first time. I am simply saying that it is a matter of conscience.

I find it interesting—and I have seached diligently among the major media of this country—that not one of them has identified and explained the amendments which have been defeated in connection with this treaty. I wonder if it is because they fear that the American people will understand what is going on. There has not been an amendment offered yet that should not have been approved by a Senate that was genuinely interested in protecting the interests of this country.

The comment is always "killer amendments." Well, it is a killer amendment in the sense that the State Department does not want to go and say, "Mr. Gorbachev, this treaty has got to be changed a little bit." Or, "Mr. Gorbachev, you got to fess up to how many SS-20's you really have."

I mentioned Teddy Roosevelt. Let me read what he said about patriotism. I do not say that it is applicable to me. I would hope that it is. He said:

Patriotism means to stand by the country. It does not mean to stand by the President or any other public official, save exactly to the degree in which, he, himself, stands by the country. It is patriotic to support him insofar as he efficiently serves the country. It is unpatriotic not to oppose him to the exact extent that, by inefficiency or otherwise, he fails in his duty to stand by the country. In either event, it is unpatriotic not to tell the truth, whether about the President or anyone else, save in the rare cases where this would make known to the enemy information of military value which would otherwise be unknown.

That is a pretty good doctrine, and I think all of us who support this President or any future President ought to be guided by that. To the best of my ability, I am going to abide by that.

So much for the killer amendments. So much for the filibustering. So much for the overwhelming defeat of a Symms or Humphrey or Wallop or Helms amendment. I will stand on the record of what I have said and done in opposition to this treaty.

I said the same things 10 years ago, when we had that unwise and danger-

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ous Panama Canal giveaway treaty—the two of them—before the Senate. We were shouted down and voted down, which was all right. But we did not have all of the declarations of pious protests beginning an hour after the Panama Canal treaties came before the Senate as was the case with the INF treaty.

We are in our 6th day, if you want to count this day, because the treaty began to be under consideration less than 20 minutes ago on this day of May 1988, the 6th day.

I have an amendment which I am not going to call up because I do not want to risk its being tabled before we discuss it thoroughly. So I will read it myself and then I will offer it, and we will see about it.

Before I read the proposed amendment, let me go back to the first day of the ceremonious signing of this treaty last December right here in Washington, DC.

Do you remember, Mr. President the declaration was made by the President, the Vice President, the Secretary of State, and I do not know how many Senators on this floor, that x number of warheads would be destroyed. It was said over and over again. And the major media picked it up and they said warheads would be destroyed.

And then one or two of us began to say, "whoa, here. No warhead will be destroyed." And the debate continued.

I remember in one of the Presidential debates, Pete duPont declared that no warhead would be destroyed, and I remember saying hooray for Gov. duPont; at least he knows something about this treaty.

But there were people in that debate running for nomination for President who said they would be destroyed.

We all know that no warhead will be destroyed, none, not one. Oh, they give excuses as to why they will not, but that is the backup position, do you not see?

But the fact is that the American people were led to believe at the outset that all these warheads would be destroyed and what a great and wonderful thing that would be.

So, the amendment that I shall propose after a while reads:

In Article V of the proposed Treaty insert before the period the following:

"Provided, further, That each Party shall in conjunction with elimination of its intermediate-range and shorter-range missiles also eliminate the nuclear warhead devices and their associated guidance elements on such systems and shall not have such warhead devices and associated guidance elements thereafter except that each Party may extract the fissionable material in such warhead devices prior to their elimination. The elimination of warhead devices and their associated guidance elements which is required by this Article shall be accomplished in accordance with procedures and schedules set forth in the Protocols to the Treaty".

That is the amendment.

Why am I offering it? For one reason it is straightforward. It amends

the treaty to reflect what so many in this Senate, so many in the administration declared and what so many of the American people still believe to be the case. They declared it, so let us make them do it. Of course, it is a misconception, as I have said earlier, that the INF Treaty in face destroys nuclear warheads. Among the first misconceptions about this treaty which the Foreign Relations Committee addressed were those provisions dealing with this subject.

Unfortunately, a number of statements had been made by the administration officials, statements that were patently erroneous but which made the treaty appear to be a wonderful proposition, a better proposition than in fact it was.

And as I said earlier, the media compounded this misconception by repeatedly parroting the erroneous statements by the administration spokesman.

This amendment will bring the treaty into line with how it had been originally sold by the State Department. As I have noted, it was the administration which initially gave the impression to many Senators and many millions of Americans that this treaty reduces nuclear weapons. It does not.

I remember the distinguished Secretary of State back in November, the final days of the negotiation, before that great happy event here in Washington, Mr. Shultz said:

"... This treaty, which is now basically complete, will for the first time, by agreement, result in major reductions of nuclear arms."

It is an important first step. The Soviet side will eliminate about 1,500 deployed INF warheads. The U.S. side will eliminate about 350. The numbers of warheads is asymmetrical because the deployments have been asymmetrical.

That was on November 24 of last year. If anybody wants to check it, it was reported in State Department press release No. 223.

Two months later, on the opening day of the committee's hearings Secretary Shultz repeated that assertion when he stated, "The treaty reduces nuclear weapons rather than setting guidelines for their future growth." The President and Vice President made similarly exaggerated statements as did a number of Senators in their statements on the Senate floor in December following the signing of the treaty.

The truth is that not one nuclear weapon—not a single nuclear warhead—will be destroyed under the terms of this treaty. Indeed, the treaty very specifically exempts nuclear warheads and the associated guidance systems from destruction—on both sides, ours and theirs. The protocol on elimination outlines the procedures for destruction of missiles and related equipment. Paragraph 3 of section II of that protocol states: "Prior to a missile's arrival at the elimination facility,

its nuclear warhead device and guidance elements may be removed."

To put it in simple laymen's terms, it is the nuclear warhead that is the real nuclear weapon. Everybody knows that. It is the nuclear warhead that explodes and causes massive destruction and death. Yet nuclear warheads are not reduced at all by this treaty. Instead, this treaty calls for only a certain "delivery vehicles" and related equipment to be eliminated. In the art form in this treaty language "elimination" means "destroyed."

Where is any meaningful reduction in armament levels, as stipulated by the President's arms control objectives? It is absent, zilch. Indeed, not only is there no meaningful reduction, there is no reduction at all.

So, the obvious question arises: What are the Soviets going to do with their nuclear warheads, which are preserved by this treaty?

Is it possible that they will just simply take these nuclear warhead devices off the missiles to be destroyed and rebolt them on the new missiles that they have been developing and testing and now producing, the SS-25, that is not covered by this treaty?

I said over and over again on this floor that this treaty provides that we shall remove all of our Pershing II missiles from Europe and the Soviets are going to remove—650, SS-20's as I recall. But the Soviets are cunning. They have snookered us again, because omitted from this treaty is the SS-25, the new all-purpose missile. So what is going to happen, there will be no Pershing II's in Europe to deter that massive conventional Soviet military force—none. There will be no Pershing II's. And it is the Pershing II which has frightened the Soviets all along. They did not want that deterrent there in the first place and they have been struggling to get it out ever since. And they are finally going to do it with this treaty.

Meanwhile, as I say, the Soviets developed the SS-25 and they have got some other things in the works as well. But the SS-25 can either be a long-range missile hitting the United States of America, for example, or it can be an intermediate range missile aimed at Europe. So the Soviets have theirs and we will have none.

But on February 1, the distinguished Senator from Indiana, Mr. LUGAR, inquired of Defense Secretary Carlucci: "What do we anticipate the Soviet Union will do with their nuclear explosive devices?" meaning warheads.

As part of his response, Secretary Carlucci stated in response to Senator LUGAR:

The Soviets would probably try to recycle their fissionable material for use on some of their other systems. This could not be done, in our judgment, without some redesign and some testing.

That first sentence is the understatement of the year. Of course, that is precisely what they are going to do.

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That was the response given by Frank Carlucci on February 1. However, in the edited transcript of Secretary Carlucci's comments, the second sentence—which was supposed to relieve Senator's concerns—was deleted. While some treaty proponents tried to minimize the possibility that Soviets might rebolt their warheads onto other nuclear missiles such as the SS-25—which I say again can also hit the United States as well as being used for intermediate and short-range purposes—additional testimony made it quite clear that this is precisely what the Soviets could do, can do, and jolly well may be expected to do.

A panel of former Secretaries of Defense was questioned about this same issue on February 2. The question was asked, "How do you answer critics who would argue that even though the Soviet nuclear warhead designs might not be superior to our own, they could be readily adapted to other weapon systems not covered by the treaty; that, having moved one off an SS-20, you could shift it over to an SS-25 and bolt it right on?"

Former Defense Secretary James R. Schlesinger responded:

Well, I think the answer to that is they could. But in the case of the United States, whenever we have a new missile system, what we do is to optimize the warhead, to take advantage of the peculiarities of that missile system to provide maximum yield, given the weights.

The Soviets presumably would want to optimize as well. If they do not want to optimize, if they are prepared to accept a non-optimal warhead, indeed, they can simply bolt these weapons on an alternative . . .

Mr. President, I have a bit more to say on this subject, but, as an accommodation to my friend from Ohio [Mr. METZENBAUM], and my equally good friend from Minnesota [Mr. DURENBERGER], I am going to yield the floor with the understanding that, when we resume after the policy conferences today, I may have the floor. I do not necessarily insist on having it at the moment we do reconvene.

But, in any case, my unanimous consent would be that no interruption be shown in the RECORD in my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Mr. President, reserving the right to object, I understand you wish the floor after the conference, is that correct.

Mr. HELMS. Well, if the Senator has something else he wants to do, this would be fine. Namely, I would prefer not to have an interruption to show in the RECORD in the remarks I am making.

Mr. PELL. That can be accomplished. But without the leadership clearing the unanimous-consent request relating to the procedure after the conferences, I could not do so.

Mr. HELMS. Of course, that would be assumed, of course. That will be no problem.

The PRESIDING OFFICER. Is there objection to the Senator's request? Hearing none, it is so ordered.

DESIGNATING 16TH STREET NW., IN FRONT OF THE POLISH EMBASSY AS "SOLIDARITY CORNER"

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I be permitted to introduce a bill on behalf of myself and 14 other Senators, as if in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I send to the desk and ask for immediate consideration a bill on behalf of myself, Senator DURENBERGER, Senator LEVIN, Senator WEICKER, Senator DIXON, Senator MURKOWSKI, Senator WILSON, Senator MIKULSKI, Senator ROTH, Senator BOSCHWITZ, Senator MOYNIHAN, Senator SIMON, Senator D'AMATO, Senator RIEGLE, Senator CHAFFEE, and Senator HELMS.

Mr. President, may I add the names of Senator PELL and Senator KERRY as cosponsors to the legislation?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Will the Senator add my name?

Mr. METZENBAUM. Mr. President, I ask unanimous consent to add the name of Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2426) to designate 16th Street, Northwest, in front of the Polish Embassy as "Solidarity Corner."

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read the second time at length, and the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. METZENBAUM. Mr. President, this spring we witnessed an example of the Polish Government's indifference to genuine human suffering. The Jaruzelski regime turned against its own workers with callous disregard for their basic needs.

News reports from Poland have grown increasingly ominous in recent weeks.

Government paramilitary forces violently evicted striking workers from a plant in Nova Huta.

The Lenin Shipyards in Gdansk were sealed off by troops in an attempt to starve workers into submission.

The police used lethal force and beatings as standard tactics against peaceful demonstrators.

These harsh measures were in response to Solidarity's two, simple demands: recognition of the Solidarity Labor Union as a legitimate representative of Poland's workers, and wage increases to offset Poland's severe price hikes.

The Polish Government attempted to offer an apology for its use of force.

Mr. President, apologies have a hollow ring when contradicted by day-to-day actions.

Strikers in the Gdansk shipyards were forced to give up their struggle because of the Government's quarantine tactics at the yard, and its intransigence at the negotiating table. After resisting the Government's intimidation for 9 days, 500 core Solidarity activists resolutely marched through the shipyard gates.

With their heads held high in defiance, those men signaled not an end, but a renewal. This core group was decidedly younger than the strikers of years past. It was a symbol of things to come—one that the Government would do well to heed.

Although the strike has ended, the Polish people still deserve the dignity and respect for which they have so courageously fought.

A simple step by the Government would back up those words of apology—recognition of Solidarity.

Mr. President, today I, and a number of my colleagues, are introducing a measure to require that the street in front of the Polish Embassy be renamed "Solidarity Corner."

This bill has been endorsed by the Polish-American Congress. I ask unanimous consent that a letter from the congress' president be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

POLISH AMERICAN CONGRESS, INC.,
Chicago, IL, May 17, 1988.

Hon. HOWARD METZENBAUM,
U.S. Senator,
Washington, DC.

DEAR SENATOR: We wish to congratulate you on your initiative to introduce legislation designating 16th Street Northwest, in front of the Polish Embassy as "Solidarity Corner".

This would be a constant reminder to all citizens that the people of Poland courageously continue, in a non violent manner, to strive for equal rights and recognition without intimidation or threat of incarceration.

"Solidarity Corner" would be proof that "Solidarnosc" exists and that constructive dialogue with the Polish Government may serve everyone's objective better than continued ostracism.

This measure is a clear indication of support from all freedom loving people and reflects the great courage of the Polish people in these trying times.

Sincerely,

ALOYSIUS A. MAZEWSKI,
President.

Mr. METZENBAUM. Mr. President, the word "Solidarity" has taken on a special meaning in the free world. The white and red Solidarity banner has

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become a symbol of free speech and fairness not only for Poles, but for people everywhere. The banner hangs at entrances to Polish shipyards, factories, and foundries—and at the front doors of crowded, hungry homes.

The letters, in Polish, read "Solidarnosh"—Solidarity, and to us in the United States they represent the remarkable courage and determination of the Polish people.

Mr. President, in August 1980, a soft-spoken electrician at the Lenin shipyards suddenly became the voice of a nation demanding fair treatment from its own government. From the Baltic coast at Gdansk, "Solidarity" spread to towns and cities throughout Poland.

The speed at which the Solidarity labor movement grew was matched only by the speed with which the Jaruzelski regime crushed it. In December 1982, little more than a year after the spirit of hope was kindled, it was abruptly extinguished by martial law.

Since then labor unions have been outlawed, while Solidarity leader Lech Walensa and other organizers have been intimidated and often jailed.

The Polish Government has introduced a variety of so-called economic reform measures, all with a single common denominator—the national checkbook is always balanced on the backs of those least able to afford it.

The Polish Government may give the appearance of listening, but clearly it does not hear the voices of its workers.

Mr. President, the United States has expressed its concern, its shock, and its hope for reconciliation. We must continue to speak out against repression in Poland, and continue to support its brave people.

By changing the name of 16th Street in front of the Polish Embassy to "Solidarity Corner," we give Poland a daily reminder about our Nation's stand on workers' rights. In a land that claims to be a Socialist workers' paradise, the workers themselves should be allowed some say in their own destinies.

Particularly in light of the brutal tactics that the Government has used, it is important for our country to take an active stand in support of Solidarity. By passing this measure, Congress can show its united support for the people of Poland.

I urge my colleagues to join me in establishing this permanent human rights reminder for the Government of Poland.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I have respect for my colleague and the importance of time in dealing with the treaty issues before us. I will be brief.

Mr. President, I am pleased to rise today as an original sponsor of this bill designating the southern intersection of 16th and Fuller Streets in front of

the Polish Embassy in Northwest Washington, DC, as "Solidarity Corner."

Naming "Solidarity Corner" would send a very important signal from the United States to the Government and people of Poland: We will not turn our eyes from the reality of repression in that country.

We will not forget the grave struggle of Solidarity to bring greater freedom to all Poles.

This is a very important message. It is important because the aspirations of Solidarity are the aspirations we share: Economic and political freedom.

It is important because Solidarity is engaged in a struggle for the soul of Poland. And it is important because we cannot shut out eyes to the reality of life in Poland: The economic crisis, the political repression, and the social stalemate.

I need not remind my colleagues of the recent events in Poland. More than 2 weeks of turmoil—including the use of force to end a strike at the Nowa Huta Steel Mill—recently ended.

But the end of strikes does not mean the underlying social crisis in Poland is over.

Poland's agony will continue as long as legitimate desires for a greater voice in political and economic affairs are ignored by the Jaruzelski regime.

And there is no more real expression of the Polish desire for glasnost and perestroika than through Solidarity.

As the independent labor union that led the opposition to the Government in the dark days of 1980 and 1981, Solidarity symbolizes—and embodies—the principles of pluralism and freedom that all Americans cherish.

Mr. President, we have no illusions that passage of this bill will lead to rapid settlement of Poland's crisis. But let there be no mistake about our commitment to human rights in Poland.

This act would place a tangible and lasting reminder of United States solidarity with Solidarity at the Polish Embassy. Last year, we redesignated the areas next to the Soviet Embassy as "Sakharov Plaza." In that action, we took a stand affirming that Andrei Sakharov's struggle was our struggle.

This bill affirms that Solidarity's struggle is also our struggle. As a Senator, and as a Polish-American, I am proud to make that affirmation.

I commend the Senator from Ohio for his authorship of this legislation and I look forward to its rapid enactment.

I yield the floor.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2426

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That (a) the portion of 16th Street, Northwest, in the District of Columbia between the embassy of Poland and Fuller Street shall be known as "Solidarity Corner" for all official purposes. The Department of State, out of existing funds, shall construct two signs which contain the words "Solidarity Corner". These signs shall be made available to the District of Columbia to be placed immediately above existing street signs on the southern corners of the intersection at 16th and Fuller Streets, Northwest. The signs should be similar to signs used by the District to designate the location of Metro stations.

(b) A sign shall be constructed by the State Department, also out of existing funds, and provided to the District of Columbia to be placed directly in front of 2640 16th Street, Northwest designating the actual location of "Solidarity Corner".

(c) The Department of State shall provide the signs required by subsections (a) and (b) to the District of Columbia no later than thirty days after the date of enactment of this Act.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I thank the Members of the body for their consideration, and I particularly thank the chairman of the Foreign Relations Committee, the ranking Republican member, the Senator from North Carolina who was good enough to yield the floor, and the leadership of the Senate to make it possible for us to proceed at this time.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER RANGE MISSILES (THE INF TREATY)

The Senate continued with the consideration of the treaty.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, is the Senate now in executive session?

The PRESIDING OFFICER. The Senator is correct.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

There being no objection, the Senate, at 12:44 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANFORD).

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further pro-

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ceedings under the call for the quorum be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The treaty is the order of business.

Mr. HOLLINGS. In all fairness, Mr. President, is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. HOLLINGS. Mr. President, let me address my remarks generally, because I will have, as my colleagues know, a reservation to the resolution of ratification. That reservation is carefully conceived, Mr. President, and it is one that I offer with some trepidation. It is quite a situation when, in all candor, you almost have to virtually apologize in order to present an amendment to this particular treaty or to the resolution of ratification. The reason my amendment will be attached to the resolution of ratification rather than the treaty itself is quite obvious, and that is, of course, because it would not require the renegotiation of the treaty should it be adopted by the Senate.

But what has happened is that we have backed ourselves into a situation whereby every and any amendment, Mr. President, on the floor of the Senate is considered to be a killer amendment. That is an unfortunate situation. I think the distinguished Senator from Indiana, for example, and the other Senators who have been presenting the debate have performed a very valuable task for all of us. I have not wanted to get associated with killer amendments. I have looked at all the proposed amendments judiciously. I voted for some; I voted to table others. But that is not to say that we have been experiencing a general filibuster. On the contrary, there has been an attempt to get the attention of the Senate, which has been next to impossible to do in this particular situation.

Mr. President, I am not at this time going to present my reservation on the resolution of ratification because we are not considering it at this particular time. Yesterday, however, our most distinguished colleague from Oregon gave us his lecture on the Soviet Union and its historical development. I would like to make several observations on that lecture. I have great respect for Senator Packwood. He made a very illuminating, enlightening, and interesting presentation with respect to Gorbachev's policies of glasnost and perestroika. I followed the Senator's lecture in detail, much of which I agree with, especially his comments with regard to commerce.

It was this Senator from South Carolina who was obliged to oppose the senior Senator from North Carolina on the confirmation of the Honorable William Verity as the Secretary of Commerce. At that time, the senior

Senator from North Carolina had misgivings about Mr. Verity's association with the Trade Mission in Moscow. He thought that perhaps with Mr. Verity becoming the Secretary of Commerce we would find ourselves on a slippery slope, getting too close to the Soviets. Well, I agree with my colleague, Senator Packwood, that if we cannot get along militarily or politically, then on what basis can these two superpowers survive? I think the best hope is in the arena of commerce, and that is of course exactly what we have been doing. We have been trying to foster commerce with the Soviets.

Incidentally, Secretary Verity has recently returned from his visit with the Soviet leaders in the Kremlin, along with some 500 American business leaders, aimed at encouraging commerce with the Soviets.

Senator Packwood traced the evolution of commerce, arts, and democracy since the Renaissance. I do not necessarily agree with his analysis in all respects. But I acknowledge that he is a better historian than I and quite a keen observer of the world's development. He says we ought to nurture the effort in Russia to reform its economy, and I agree with him there.

But, Mr. President, moving on, Senator Packwood gets to our friend Max Kampelman, who he said has more or less taken him under his wing as an adviser. We all have tremendous respect for our arms control director, the Honorable Max Kampelman. It was almost like turning on the light in a dark room when—18 months after the Soviets broke off talks and said there would be no deal with respect to Pershings and cruises if we were going to insist upon deployment of the cruise missile—Kampelman says, "Don't worry, the Soviets will be back." And you know what, this sage adviser, Max Kampelman, was correct. The Soviets came back to the table, precisely because we were willing to deploy the Pershing and cruise missiles in Europe. We learned from that episode that the Soviets would come back to the table, and that is why we have this INF Treaty.

Mr. President, that lesson brings me to my reservation relative to conventional cruise missiles, because the objection by the Foreign Relations Committee is that such an amendment would require renegotiations, or that it would incite the Soviets to refuse to renegotiate or to junk the treaty. Nonsense. The truth is, as the sage Kampelman has observed, the Soviets came back because the Pentagon has found that the cruise missile, I say to the Senator from Arkansas, is to the advantage of the Soviets. I do not happen to agree with that. The Soviets do not agree with it. They do not have any ground-launched cruise missiles.

When I was making a statement of that kind, sort of categorical, they then passed to the SSC-X-4's, the ones they changed from ship-launched

cruise missiles, SLCM's, because we never could find any. They do not have any GLCM infrastructure. They have not trained for any. They have not deployed any but when we came to that point in the treaty—there are SSC-X-4's. They piled up some on the land and said, "Look, we have ground-launched cruise missiles." The Soviets have never had a need for cruise missiles. But be that as it may, a point which I will elaborate on further.

The distinguished colleague from Oregon says that, just as Kampelman predicted, the Soviets came back to the table and we now have an INF Treaty. Now is the time to move forward and give things a chance, says Senator Packwood.

Well, the distinguished Senator from Oregon seems to forget his earlier comments relative to the debate on the ABM Treaty. He told us how in 1969 the Senate went into executive session, when both he and I were present, and in executive session we had a very dynamic debate between our former colleague, the senior Senator from Missouri, Senator Stuart Symington, and Senator Henry Jackson. By a 1-vote margin back in 1969 we voted to go ahead with development of an antiballistic missile system. And it was as a direct consequence of that decision that we had the Anti-Ballistic Missile Treaty in 1972. It should be remembered that at the time, our distinguished friend, Mr. Kampelman, was a senior adviser to Senator Mondale, who voted against ABM development on the grounds that if we voted for an ABM system we would never get an ABM Treaty.

So I am back to the cruise missile issue of today's debate. The Foreign Relations Committee says that if we delete the ban on conventional cruise missiles in this treaty, then the whole INF deal will come apart. That is absolutely false. No one really believes that. What we all are engaged in here, Mr. President, is show business. The full court press is on to get to the TV, the 7 o'clock news, make sure that the President has something in hand, and that the show comes off. But in this pell-mell rush to Moscow, we are blinding ourselves to the catastrophic restrictions we are placing on our conventional weaponry and thereby on our national security.

Incidentally, one player in this full court press is my distinguished colleague from California. I observed him over the weekend on the news, since this is all show business, talking about how we have to get behind the President. Senator Cranston says we have to get behind the President. That is a real first for him. I can tell you that right now.

This particular Senator has supported the President in many of his initiatives, and I only say that to emphasize the sincerity with which I approach my amendment to the treaty. It is just beyond belief to me that we would

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want to in perpetuity restrict conventional weapons.

We have tried for years on end in Vienna, in the mutual balanced force reduction talks to agree to conventional reductions. The Soviets have stonewalled us every step of the way, refusing even to identify the number of their divisions. They have yet to identify the number of tanks. They have yet to identify the artillery or anything else that might contribute to a sincere atmosphere for negotiation.

Yet despite this record of stonewalling, every Senator, liberal, conservative, Republican or Democrat, chimes in with the assertion that, yes, we vote for this treaty, but we also have to beef up our conventional forces.

Mr. BUMPERS. Will the Senator yield for one observation?

Mr. HOLLINGS. Yes.

Mr. BUMPERS. Did I understand the Senator to say a moment ago that the Soviets do not have cruise missiles?

Mr. HOLLINGS. Right, not anything to speak of. Give me the designation. I know what the Senator is speaking of. But we have never found the infrastructure. It is the SSC-X-4. They have had it in a submarine-launched cruise missile mode, as a SLCM, called the SS-N-21. It looks to us like the same thing as that SLCM. But they do not have any land infrastructure. They do not have any storage. They do not have any training or anything else like that. So in reality we are not piling off United States and Soviet cruise missiles.

Let me emphasize in my answer why the Soviets do not need cruise missiles. They already will have every target covered without them. With respect to short-range targets, they have short-range missiles of less than 500 kilometers that can target every European airfield that we have. I think of our friends and relatives. There are some 680,000 Americans over there. And there are some 300,000 dependents. The plan is that in a crisis, those dependents should go to the nearest airfield in order to evacuate. They will not evacuate. They will not get to an airfield. Those airfields will be targets of Soviet short-range missile.

By the same token, all longer-range targets in Europe will be covered immediately by the Soviets' SS-25's and SS-19's.

So in reality, it is a false parallelism to claim that the Soviets will get rid of their cruise missiles and we will get rid of our cruise missiles of a conventional nature. They do not have anything to give up. They have never designed them. Indeed, the Soviets have never held up on anything they ever needed, whether you are talking about space, artillery, seapower, submarines, aircraft carriers, you name it. I imagine there are Senators around here who would like to advise them that that is an improper direction in which to proceed.

Mr. BUMPERS. The Senator was alluding to ground-launched cruise missiles?

Mr. HOLLINGS. That is right. They are conventional ground-launched cruise missiles, which is my debate and my concern.

Mr. BUMPERS. My authority here was—and I think the Senator is probably correct—"Soviet Military Power, 1986," that magnificent glossy the Pentagon puts out every year that shows how the Russians are coming up the Potomac and are going to get us any minute. It says here that they have a ground launch cruise missile. The Senator described it correctly, the SSCX-24. The ground launch cruise missile variant will probably become operational this year, 1986. Its mission will be to support operations in the Eurasian theater since the Soviets are unlikely to deploy it outside the U.S.S.R. and its range is too short for intercontinental strikes. It is being developed as a mobile system and probably will follow operational procedures similar to the SS-20 intermediate range missiles.

So the Pentagon was wrong.

Mr. HOLLINGS. It is not a question of right or wrong. We are both right in the context. They just said it probably would; and what they are saying, translated—you have to be able to read this—is that they will take that SLCM and could make it a ground-launched cruise missile, and watch out.

We know the training necessary for a GLCM force. We know the infrastructure, how they train and how they store and how they exercise. No storage, no exercise, no troops, no support, no conventional ground-launched cruise missiles. They could develop it into the SSC-X-4; the Senator is right. That is why they list it there.

Mr. BUMPERS. I thank the Senator.

Mr. HOLLINGS. The crux of my concern is that we have before us, not just a nuclear treaty. What we also have before us is the most significant conventional arms treaty that has ever been signed by the United States, and yet we have gained nothing in return for our conventional concessions.

If I were your lawyer and you came to me on a contract basis, I would say: "Well, I see you have agreed to ban conventional GLCM's, but what did you get for it? What is the consideration? What is the binding nature of this part of the agreement?" The answer would be, "Nothing, absolutely nothing."

They do not give up anything at all, and that is to be emphasized.

Let me say one word about my distinguished friend from Oregon and his discourse yesterday relative to the Soviets. I am referring now to page S 6426. This is what the Senator from Oregon stated. I have no question in my mind that he believes it. I fear that too many in this body believe it. I could not disagree more vehemently. I

quote Senator Packwood: "The worst thing that can happen to Russia is to encourage an arms race with the United States. We will run them off the board."

Listen to that. We live in the real world. Let me give you that one more time: "The worst thing that can happen to Russia is to encourage an arms race with the United States. We will run them off the board."

Who is running whom off the board? The race is already on, and the Soviets are leading.

We just marked up a space authorization a couple of hours ago, in the Commerce-Space-Science-Transportation Committee, and I can tell you categorically that we do not have the money to do the things that all the Senators want to do. There is a summit agreement, and there is what we call a 302(B) allocation or limitation to the budget.

We are now caught up in a love-in with Gorbachev. I have Gorbachev on my news, on my radio, in my bedroom; he is in the living room; he is for breakfast; and we are all having a grand time together, and now he wants to go to Mars with us. But we cannot go with him right now. We do not have the money. We have not kept up with the Soviet space program. We cannot get the shuttle, much less the space station that they already have. The Soviets had 90 launches last year, compared to only 7 by us. They are way ahead of us in space.

Their navy is in Cam Ranh Bay and the Pacific and all the way around. We think we have better technology—I think we have—perhaps a stronger navy, but not for long; we certainly are not matching their tanks or their strategic weaponry, where they keep building like gangbusters, SS-24's, SS-25's, developing the SLCM. They are going into everything.

The Senator from Oregon seems to worry that we might start a race: "The worst thing that can happen to Russia is to encourage an arms race with the United States." That is exactly what has already happened. Then he concludes that if there were a race, we would run them off the board. We run ourselves off the board. We cannot get anything. We cannot go into space. We cannot test for an ABM, although every Senator who voted for that treaty agreed that you could.

I voted for the ABM Treaty, and I was not restricted. I know how the Senator from West Virginia and others feel. Senator Jackson, in his amendment, provided for research and development, and increased and continued research and development. So we did that. We have not kept up with the Soviets in space. We certainly have not kept up with them with respect to conventional weaponry. We cannot have an ASAT, an antisatellite. They have an antisatellite system.

We will run them off the board, the Senator says. Nonsense. We cannot

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test; we cannot move; we have to get rid of the MX. We have candidates running who want to get rid of the Trident. This Congress cannot move defensively. We have run ourselves off the board. That is what worries this U.S. Senator.

How in heaven's name, were the INF Treaty ratified, would we correct the imbalance of conventional force in Europe? How would we maintain our national security?

The distinguished Senator from Oregon, in his discourse on Russia yesterday, quoted his advisor, Max Kampelman: "You know, the 43 years since World War II are the longest period of time since the end of the 100-Year War, over 500 years ago, that one major European power has not been attacking another major European power."

He starts off: "You know, since 1945, there has been no major war between major powers in Europe."

Mr. President, that is exactly the case. We have not had war, and we are all pleased by that, and we attribute that situation to the strength not only of our economy but also of our NATO Alliance.

I happen to think that this particular treaty, as it now stands, could cause a disintegration of that NATO Alliance; and to make sure that occurs, if we continue to include the ban on conventional ground-launched cruise missiles, GLCM's, then the West Germans will go their own way.

They say, "The United States of America has persuaded us, after all the political upheaval we have had with the Greens and the peace movement, to deploy cruise missiles along with the Pershings." We deployed, and we strengthened the alliance and our position in Europe as a result.

Now we have a different commissar in the Soviet Union. Brezhnev was the confrontational, the hard-charging Charlie. He came forward and said, "We will intimidate with our SS-20's, and we'll gain hegemony by brute force," and the alliance almost bowed to his bluster.

The Europeans almost yielded, but they did not.

Now we face a more clever, a more astute and a more attractive, if you please, Soviet commissar in Gorbachev when he says "Rather than hegemony through confrontational force and power, I will do it through the conventional power, very quietly by going along, Mr. President Reagan, with your zero-zero option."

The Soviets have overwhelming conventional power in Europe and we know that without the nuclear deterrent, Mr. President, we have had war after war after war in Europe.

So it is a very cogent observation by Max Kampelman as quoted by the distinguished Senator from Oregon. But let us realize what the quote means. It means, yes, that we have had that nuclear deterrent and now we need a conventional deterrent. To maintain the

peace in Europe, so that no nation attacks another nation, we must have the same force and effect—rudely put, the same kill power—as a nuclear deterrent.

The superiority of our technology is such that we are developing a cruise missile with such accuracy that it can hit within a meter, 6, 7 feet of its target, and with that accuracy it would amount to a hard-target kill. It is very economical, and with respect to its accuracy it is very accurate, also with respect to environmental concerns on mainland Europe. We have over 360 GLCM's there now that have already been accepted on European soil.

These GLCM's are benign weapons. They do not go out on maneuvers and create damage.

These missiles do not go downtown on Saturday night and get drunk at the bar. There is minimal upkeep to these cruise missiles. They have no dependents.

We could place some 2,000 to 3,000 in Europe with a strict verification regime. They can station a Soviet observer, if you please, right at the cruise missile sites.

What we would want to communicate to the Soviets is that if they move against Berlin this afternoon, if they move into Turkey this afternoon, we would take out this airfield, we would take out that communications center, we would take out that marshaling yard, and it would be a credible deterrent.

Our mutually assured destruction deterrence now is totally incredible, out of the whole cloth. No one believes that President Reagan or any other President of the United States is going to end the world because the Soviets move into Berlin this afternoon. President Sanford, our distinguished Presiding Officer, certainly would not order that. President Hollings would not.

You would try every kind of avenue of discussion and bundling about, talking to senior leaders, and it would be like a Noriega deal, I tell you that. We would go back and forth and argue amongst ourselves and end up with nothing. But we would not fire anything nuclear and thereby end the world.

I am saying this for the benefit of those who say my amendment is a killer amendment. They say, "Oh, well, if President Reagan can agree why cannot you? Oh, well, if the Armed Services Committee approved this why should I worry about it? Oh, well, the President is over there and let us not embarrass the President. We have to get him a ratification to show that we are all together and we are one country here this afternoon and we are all behind the President."

But we are not behind the President on trade, and we hope to get the votes to override when he vetoes it. We were not behind the President on the environment and we did override him. We

were not for the President on the highway bill veto and we did override him. And the President's policy in Central America has been blocked.

Yet here we have the conventional ground launch cruise missile that raises the nuclear threshold and gives us an alternative to ending the world. I insist that they not be included in this particular nuclear treaty, and people say I am frustrating the President of the United States.

I am telling you now when the Intelligence Committee and Armed Services Committee came up with the various misgivings they had and how could you verify this and verify that, the Soviets said, oh, no, and they wrote letters and there were nine points, even trying to describe what a weapon was, and everything else.

So we sent Secretary Shultz back to Europe and, incidentally, the Soviets did the same thing to him that they did to Henry Kissinger back in SALT I. I was in the tent in SALT I, and we had already had a good agreement in August 1971 when President Nixon and Secretary Kissinger got there. The Soviets changed their mind at the last minute and they made Secretary Kissinger work all night long to get a treaty that at that time, Gerard Smith will not say so, but Ambassador Smith will testify that he was disappointed because those last-minute discussions resulted in an unequal treaty causing us to have to adopt a Jackson amendment in order to get SALT I ratified.

And the same thing happened in SALT II, and now we have it here in SALT III, only we call this INF Treaty.

And any time you get a treaty, you send your distinguished Secretary of State and they agree in the afternoon and then when you get together at 7 o'clock to finalize it, they keep him there until 4:30, 6 o'clock in the morning.

The Soviets, when we yielded on conventional cruise missiles, were so surprised that they made us repeat it four times. They could not believe their own ears that we would give up this particular weapon and set a precedent for the START Treaty, a precedent of barring all air-launch cruise missiles and all sea-launch cruise missiles.

Now, right to the point, Mr. President, they say that the reason we did this is that the Pentagon and the Department of Defense did not have any requirement for a conventional cruise. This is the worst embarrassment in the world. I have been quoting our distinguished friend, the chief arms negotiator, and I have in my file here a letter that we received from him that has been cleared, given to Senator BOREN and our Intelligence Committee, and therein Max Kampelman answers with respect to certain questions that we had relative to the cruise missile.

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We will elaborate what was said by the chairman of the Joint Chiefs, Admiral Crowe, and now Secretary Carlucci, because this was agreed to by then-National Security Adviser Carlucci and was a mistake and I am confident he knows now that it is a terrible mistake.

Every arms negotiator and expert, be he conservative like Richard Perle, or be he more on the liberal side for President Carter, Walter Slocombe, and all agree that this is a very, very bad mistake.

But I want you to read the answers here very briefly.

Max Kampelman, and this is also the reason given by the Foreign Relations Committee.

The question:

Was the decision to include conventionally armed GLCM's in a treaty based on a unilateral U.S. determination or does it reflect an expressed Soviet desire to eliminate conventional intermediate-range GLCM's? If it reflects the Soviet desire, what did the United States achieve in return?

That is the question.

Answer by Mr. Kampelman, our chief arms control negotiator:

The United States Government decision to ban conventionally armed GLCM's took into account a number of considerations. It is important to remember what the issue was not about. It was not about whether to permit planned U.S. deployment of conventionally armed GLCM's nor was it about whether to withdraw from Europe previously deployed systems. Rather the decision to be made was whether or not to protect the option for deploying conventionally armed GLCM's. At the same time of the decision, the United States and NATO did not and do not today have any specific plans or military requirements for conventionally armed GLCM's in the INF range.

They labored over verification. But when they realized that this did not enhance verification whatsoever, they fell back on the real bottom line—reasoning that the Pentagon does not have any use for them.

Now two points, one with respect to verification and the other with respect to the requirement. With respect to verification, let us not be all embroiled or misled or enamored with verification. I have heard more about verification, verification, verification—do not trust them. The President quotes the Russians, "Doveriyai, no proveryai"—"agree, but verify."

These are all good for 20-second bites on TV, but they are mostly sheer nonsense. What happens is there are just certain things you cannot verify. When you say you are going to limit this treaty to those cruise missiles, let us say, in INF, intermediate nuclear forces, the Pershing and cruise missiles, to a range between 500 and 5,500 kilometers, then you are saying those below 500 are permitted and those in excess of 5,500 are permitted.

I can take a regular cruise missile with a conventional warhead at 500 kilometers, permitted, turn that over into a nuclear warhead within an hour, and I can tell you right now it will go way more than 1,000 kilometers.

There is just no way to verify that, and we all know that. We are not expecting the impossible.

What we are acting on, as reasonable, sane, and prudent people is the question of how best we can control and how best we can verify. But you cannot verify range. So do not let us get worked up about that. Since you have allowed air-launched cruise missiles and sea-launched cruise missiles, SLCM's and ALCM's, then, from a fixed-ground testing site, you can say, rather than this being a ground launch, you can test those within the forbidden range, 500 to 5,500 kilometers, of an air-launched cruise missile and that is not verifiable. You cannot distinguish the permitted missile from the banned missile. So it cannot be verified.

Similarly, a sea-launched cruise missile cannot be verified. You can test them and say, "No, that is not a banned missile." That is what we just talked about with our distinguished colleague from Arkansas on the SSC-X-4, taking a SLCM and calling it a regular ground-launched cruise missile, because they had to make a case they were giving up something. They finally took some SLCM's, called them GLCM's, and said: "Here this is what we give up."

But, in any event, reconnaissance missiles of the forbidden range between 500 and 5,500 are permitted. So you get a reconnaissance one that is flying, zigzagging all over the front line, and moves in the range of 500 kilometers, and, instead of zigzagging it does not have to zigzag, it can go straight. And you say, "That that is a reconnaissance missile. We are looking around. That is not a regular cruise missile." That is not verifiable under this treaty. Ratify it in the next 2 seconds and you cannot verify that. You cannot verify drones. You cannot verify the drones. You go right on down the various lists of things that cannot be verified. One of them came up here in the treaty. We do not know how many SS-20's they have. And when they give us a number, there is no dispute, there is no recourse. We cannot verify even what we are agreeing upon.

Yes, we agree generically upon, let us say, Pershings and SS-20's, but we do not find out precisely what we have agreed upon until 30 days after ratification. Then they give you a number and we give them a number. And, knowing the history of activity on the Soviet side and what the President advises, "Don't trust them; don't trust them." Well, heavens above, we do not know what we agreed to. We cannot verify that.

So I think we make a bad mistake to become embroiled in verification as a reason for banning the conventional ground-launched cruise missile in this particular treaty.

But, more than anything else, they then fell back on, "Well, the Pentagon doesn't require it." And therein is the

responsibility of each and every Senator. The Senator from Tennessee, the Senator from Connecticut, the Senator from Indiana, myself, and other Senators on the floor cannot rely on the Pentagon.

Now, everybody knows me as an old military hawk. But I have worked with them and I have watched them. And, just reflecting historically after 40 years in public service, I was on the Hoover Commission back in the 1950's investigating the intelligence activities, the defense intelligence, Army, Navy, Air intelligence. That is when we had Admiral Radford; Admiral Erskine was in charge at that time; Secretary Anderson was the Secretary of Navy. We spent many a midnight hour and passed early into the morning over in the GAO building working around the clock for this U.S. Senate. It was during the McCarthy days. I watched it come all the way around and there are a lot of observations to be made, some rather in mirth and some very serious. Very seriously, Senator Barry Goldwater said that the average stay of a Secretary or of an Assistant Secretary was 1 year. The Secretaries never control anything over there. It is the infrastructure of the civil service that controls.

President Reagan came and said we were going to cut personnel. We cut the staffs in the Senate 10 percent, the committees 10 percent, and the Departments 10 percent. But we added 100,000 onto the civil service in the Pentagon. They just grind out on what they want to grind out.

This was said in mirth by General Quesada, Pete Quesada, an old Air Force general. He came back at the end of World War II and, riding by in a taxi, for the first time, he viewed this mammoth office building, the Pentagon, the largest office building in the world. Turning to the taxi driver, he said: "My heavens, how many people work in a building like that?" And, without hesitation, the taxi driver said, "About half." You have to know that crowd over there and how they operate.

I only lead in that fashion to tell you that this has been an observation that I have watched and studied, and studied and watched, and watched and studied. First, you will not find a requirement for a ground-launched cruise missile in the Marine Corps. You would not expect to. The Marines land, take, and hold until the regular troops arrive. They are not there to start firing cruise missiles, heavens above, and that kind of thing.

But it will amaze you to know that there has never been a request by the Army. They resisted it. I am going to show you where the military does not resist it, where their science board and everything has studied it.

But the U.S. Army does not want a ground-launched cruise missile. What the Army is thinking of is responding at 40 kilometers, 50 kilometers, 60, 70

miles, artillery range, taking and holding, moving forward 10 kilometers each day. On a ground-launched cruise missile, the troops, the cost, the upkeep is not for them. They do not require or request one—until now.

There are some exceptions. General Galvin is one exception and General Rogers another, those who have commanded and have come to appreciate the value of the defensive nature of the ground-launched cruise missile.

You go to the Navy and Admiral Crowe gets irate. He is fighting. I want to give you his testimony, I say to the Senator, before your committee, the Budget Committee. "Oh, we will never give up the sea-launched cruise missiles. No, we won't yield on that."

Well, they have yielded for years. When did they get so serious about it? They do not want to project sea power. They could have had a stand-off aircraft carrier or carrier-like platforms for cruise missiles. They would have had no need to fly a pilot over Libya and Qadhafi a couple of years ago.

A couple of years ago, you could easily have done the Libya mission without the loss of a plane by using highly accurate cruise missiles. No, you cannot be in the Pentagon and start talking about the tactical virtuosity of cruise missiles. You will get kicked out. You will get court-martialed. You are not in step.

With the Navy, they need carriers; they need pilots; they need planes; they need equipment. That is the big Navy, the 600-ship Navy; big budget; up, up and away. They will spend you blind.

Let us come back now to the Air Force. You cannot find a conventional ALCM. There "ain't no such thing." I say that with my Southern grammar to make emphasis on the particular point, and I know I will be understood by the Senator from Tennessee even better. That is, once they get in the air and position planes, I can tell you here and now, if they find a cruise missile, it better be nuclear because it is going to be assumed to be nuclear.

So the Army, Air Force, Navy, Marines are unanimous: there are no requirements. But there should be, and it is up to us to get such a requirement because they will spend us blind without it.

The cruise missile is wonderful as a defensive weapon, but not as an offensive one.

I read in a column earlier last week that the former arms control negotiator, Paul Warnke, said that he does not see why Hollings would want to eliminate the ban on conventional cruises. The Russians would have cruise missiles all over Eastern Europe. They could overwhelm us.

Look, they are going to overwhelm us now if they go nuclear. If they are going with cruise, or if they are going with intermediate, short-range or otherwise, they can do that.

I do not mind, as I say, having my 3,000 conventional cruise missiles and giving the Soviets 6,000 because if they go that way, that is the end of the world, and we will use MX's and everything else.

We know that. What I am trying to do is respond without going nuclear. I am trying to raise that nuclear threshold, and I am trying to do it in a forceful fashion where I have the same kill capability even with conventional ground-launched missiles. You are not going to appropriate, and I am not going to appropriate, for all the troops we will need in Europe. When I left the Army, the B-17 cost \$97,000. The B-1 they say costs \$280 million. It is really nearer to \$350 million. I can tell you that. They say the Stealth costs over \$400 million.

If they tell you \$400 million now, heavens above, what is it really going to be? In contrast, we can put 3,000 ground-launched cruise missiles of a conventional nature around Europe for the cost of 10 planes. There is no upkeep. There are no pilots running around. There is not all of this paraphernalia to go along with it.

Verifiable? I say we can tell the Russians where each conventional cruise is located. Invite them in. If the fellows will not defect, invite Soviet observers to babysit each of our missiles and sit there with a hotline. I want them to know that in Turkey we have 1,000 of them. I want them to know that in West Germany we have another 2,000. I want them to know that if the Soviets move into Berlin, we have the capacity to take out their command, control, and communications. We can lob one just to show we mean business. I would give some credibility to our NATO defenses and enhance the security of the United States of America.

That is the issue on the INF Treaty, which is totally ignored. We Senators get a pat on the back like we are some wandering puppy dogs lost off in the bush somewhere. Nice little dog; give him a bone. Let him talk a little bit, but do not take him seriously because, after all, we do not want to embarrass the President.

Well, the President ought to be embarrassed for concluding this treaty. I do not know whether he ever saw it. I do not know if it was ever really fully explained to him.

The best intelligence search I can make is that the treaty went to his Security Council. Once they signed off, that was it. The President signed off, too.

The President is consistently inattentive. Former Secretary of State Haig said the President did not know much about foreign policy. Dave Stockman went off to New York and said the President did not know much about budget policy.

We had Speakes say the President did not know what he was talking about; "I wrote it for him." Now we have Regan who said, "I spent 4 years

as Secretary of Treasury, and we never had a one-on-one discussion on financial or economic policy. He never asked me."

Knowing those things, I doubt if our distinguished Commander in Chief had an opportunity to dwell on this treaty. I am not blaming him entirely, because the Pentagon and the Department of State have conspired to keep him in the dark.

The Department of State has been insisting for quite some time, Mr. President, that we ought to ban conventional cruise on account of verification.

The testimony before the Armed Services Committee by Mr. Perle was that the concern was chiefly voiced by Senate observers, Senators observing over in Geneva raising the prospect that they might lose some votes on ratification, therefore, we should not insist on the deletion of a ban relative to the conventional ground-launched cruise missiles, but rather we should yield on that point.

Mr. President, let me, if I can, refer to the various studies in the Pentagon because there is a difference there.

The Defense Science Board in December of last year made a study of our needs. This study was a follow-on to a study requested by Secretary Carlucci with respect to the overall needs of the Department of Defense and what would be the likely reaction of the Soviets.

The Defense Science Board's study is a matter that is classified, but I have been able to clear the Defense Science Board study concerning nonnuclear strategic capability dated December 1987.

The Joint Chiefs ought to be ashamed of themselves, and I say that advisedly. Heavens above, to have Joint Chiefs that do not know how to defend, we are in deep trouble around here. Congress is studying, as we politicians have to do, their particular requests, requirements, and what the angles are behind them. When we have to do the Chiefs' job and truly defend the country, then we are in jeopardy.

The Defense Science Board study on nonnuclear strategic capability dated December 1987, stated in sum:

The task force concluded that accurate, long-range nonnuclear weapons systems potentially can contribute significantly to accomplishing major U.S. strategic objectives worldwide.

The Defense Science Board is composed of 45 distinguished leaders of defense industry, retired military leaders, and academic experts. The Board's membership includes Robert Everett of MITRE Corp., Norman Augustine of Martin Marietta, Dr. William Press of Harvard University, Gen. John W. Vessey, and Adm. Isaac Kidd. This is just a sampling of the expertise found on the Defense Science Board. Certainly, the U.S. Senate always seeks to have the best of experts on all sides, to

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bring them in and let them study in an objective way, as best they can.

Yet, in this case, the Joint Chiefs ignored their own experts, if you look at the testimony, and I have studied the Chiefs' testimony before the Armed Services Committee; I studied their testimony before the Foreign Relations Committee. When they come here and say, "We need it," and there is no justification for it, when you see such anecdotal items in the references made in the Armed Services Committee testimony—the colonel testifying first that he did not have knowledge about requirements for a conventional GLCM. He was the expert up to testify. He would have to go back and check.

Then on checking back he could not find where the Chiefs had any requirement for it whatsoever, and then it came out through our distinguished colleague. The Senator from Indiana has already mentioned on the floor that General Galvin, the NATO commander, was called, made contact with and General Galvin said, "Yessiree, we sure do." We said, "How about the Pentagon, have they contacted you?" He said, "No, they haven't contacted me. I haven't had any inquiries come through with respect to conventional ground-launched cruise missiles." That is why I used the expression Keystone cops jumping around in a higgledy-piggledy way. All we hear is how many hours we have talked about this treaty in committee, we have had it so many hours, we have had it so many days, we have done this and we have done that.

No, we have not. We have not gone into detail. Until last week, Senators did not turn their attention to this treaty. They wait for the debate to come up and then when the debate occurs and we get amendments to the effect of Gorbachev might not be the ruler—at least he was not elected in Russia but he did get elected in the Senate the other day by rollcall vote—they say, "Well, I do not want to be associated with killer amendments." And when the debate starts—and now I understand before the debate can start both sides are entertaining a cloture motion—it forces us to come forward and begin to explain the exact nature of the testimony and the exact seriousness of purpose with which this particular item was considered.

The Defense Science Nuclear Board said, and I quote again:

The treaty itself cannot make us replace any significant portion of our command with respect to going nuclear and with respect to reacting in NATO. Improved non-nuclear capabilities are different from nuclear capabilities in the extent and duration of effects. Thus, they cannot substitute for the large-scale nuclear attack options planned in our SIOP.

To repeat:

Their basic effectiveness relies upon disruption of a function, for effectiveness is more sensitive to detailed intelligence information, identification of critical target needs and mapping accuracy than are nucle-

ar weapons. However, they could have a unique role whenever the use of nuclear weapons was severely constrained or could not be used at all. NNSC capabilities would be even more valuable if the United States and the U.S.S.R. significantly cut their nuclear force postures.

Now, Mr. President, let me emphasize that last sentence because that is what the INF Treaty does. If the ban on conventional GLCM's is deleted, I would be prepared to vote for the treaty, and that the direction pointed to by the Defense Science Board. We are about to cut our nuclear force postures. When we do, these NNSC capabilities, these nonnuclear missiles, would be even more valuable if the United States and the U.S.S.R. significantly cut their nuclear force posture.

That is very, very important because that is what we are doing and that is what the Defense Science Board stated.

With respect to the long-term planning, they had a commission on long-term strategy and they talked about discriminate deterrence. And that was researched for our distinguished friend, the new Secretary of Defense. And it says here:

Our strategy must also be integrated. We should not decide in isolation questions about new technologies.

Incidentally, there is a new amendment coming out already about new technologies, to restrict them, but here is what the Commission is saying:

Our strategy must also be integrated. We should not decide in isolation questions about new technologies, force structure, mobility and bases, conventional and nuclear arms, extreme threats and third-world threats. We need to fit together our plans and forces for a wide range of conflicts from the lowest intensity and highest probability to the most apocalyptic and least likely.

Later, it states again on page 2:

To help defend our interests abroad, we cannot rely on threats expected to provoke our own annihilation if carried out.

Quoting along:

In peacetime, a strategy based on such threats would undermine support for national defense. In a crisis, reliance on such threats could fail catastrophically for lack of public support. We must have military effective responses that can limit destruction if we are not to invite destruction of what we are defending.

Next it says:

We must diversify and strengthen our ability to bring discriminating nonnuclear force to bear where needed in time to defeat aggression. To this end we and our allies need to exploit emerging technologies of precision, control and intelligence that can provide our conventional forces with more selective and more effective capabilities for destroying military targets.

Next:

Both our conventional and nuclear posture should be based on a mix of offensive and defensive systems. To help deter nuclear attack and to make it safer to reduce offensive arms, we need a strategic defense. To deter or respond to conventional aggression, we need a capability for conventional counteroffensive operations deep into enemy territory.

Now, Mr. President, I will jump to page 8 because it is not my intent to hold the Senate. I see that others would like to speak. But from page 8, I quote again from the Special Commission on Integrated Long-Term Strategy.

The present situation associated with the new technologies will enable us to use conventional weapons for many of the missions once assigned to nuclear weapons.

Listen to that. That is exactly what we are talking about. Here comes the Joint Chiefs, the Pentagon, they cannot find a requirement. The Ambassador calls; he cannot find the requirement. Ambassador Kampelman calls; he cannot find a requirement from the Pentagon. Everyone else calls, everyone dealing with this, Colonel Wheeler, all the witnesses that come up, the generals that testify, no, they do not have any requirement. But here it is.

The present situation associated with the new technologies will enable us to use conventional weapons for many of the missions once assigned to nuclear weapons. The new technologies will work to strengthen the ability of our ground and air forces to defeat invasions.

I emphasize defense. I am talking about the defense nature that everyone know is the essence of a conventional ground-launched cruise missile. I quote further:

Particularly important is this connection in respect to the use of low observable technology in combination with extremely accurate weapons and improved means of locating targets. In the years beyond 2000, this combination will provide new ways to stop invading forces at a great distance from the front lines.

I wish everybody, Mr. President, would read that and memorize it. The conventional cruise missile is something we can afford. It will make possible an effective, credible, conventional defense. Look at the low observable Stealth technology referred to, placed on extremely accurate weapons, in other words, placed on conventional ground-launched cruise missile.

And the combination of cruise and Stealth would stop invading forces at great distances from the front line. That is the only thing that would stop them. We would be in the soup otherwise.

Let me read further in this particular report. But read on page 50 on managing technology. This is exactly what it said in January. Yet this is what the Secretary of Defense and the Joint Chiefs of Staff are now testifying in opposition to, their own testimony; their own findings. When I say their own findings, let me emphasize the makeup of this distinguished Commission, which was co-chaired by Dr. Fred C. Iklé and Albert Wohlstetter, and which included such respected experts as General Andrew Goodpaster, Admiral James L. Holoway, Anne L. Armstrong, and General John W. Vessey. We all remember Gen. Vessey when he commanded in Korea. We re-

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member him as the Vice Chief and we remember him as the Chairman. When they say the Army does not have any requirement, there is the best testimony to the contrary. Let us see what the Special Commission on Integrated Long-Range Strategy says on page 50.

Extended range, accurate, smart conventional weapons can make a major contribution to halting Soviet attacks anywhere on the perimeter of the U.S.S.R. These weapons can delay and inflict heavy losses on advancing forces by delivering heavy firepower on critical targets. They can make breakthroughs difficult for invading troops and give time for defenses to be deployed. By the standards of a decade ago the accuracies are extraordinary. Current technology makes it possible to attack fixed targets at any range with accuracies within 1 to 3 meters. These accuracies and modern munitions give us a high probability of destroying a wide variety of point in area targets with one or few shots without using nuclear warheads. They make practical attacks on heavily-defended military targets deep in enemy territory. Airfields well inside the Soviet Union could be put out of commission with warheads designed to attack infrastructure. Fuel and maintenance facilities, and command and control facilities, bridges, surface-to-air missile sites, intelligence facilities, rail lines, electric generating plants, petroleum refineries, all are suddenly much more vulnerable to the early emerging age of smart munitions.

That is a smart man speaking on smart munitions. So this is not a case of just "Halt, the Senator from South Carolina is coming and he is crying in his corner because he cannot have a certain weapon." On the contrary, I stand on the best of balanced opinion, the best of balanced experience over the years, former Chiefs of Staff, CNO's, Secretaries of State, heads of the National Security Council, Republican, Democrat, what have you, have all joined together in a bipartisan fashion to say this is what is needed in this Senate in January of this year.

They were studying our defense needs and requirements. Apparently this report did not get to our arms control negotiators. Apparently Glitman did not get it. Apparently Kampelman did not get it. There you are. We are ignoring our best assessment, and the Joint Chiefs continue to ignore it. I think that is the outrage that particularly offends the Senator from South Carolina when they see at a glance that what they have done is made a bad mistake, and they ought to have the candor to come forth like they did with respect to the failure to define a weapon, the failure to get certain verification, things that were fastened down where they all could understand and speak of one mind. They traveled all the way back to Europe to close on those points.

The interesting thing in the Chiefs' testimony is their claim that if we had not barred conventional ground-launched cruise missiles, these missiles would have given a tremendous advantage to the Soviets. So I do not want to hear the distinguished Senator from Rhode Island as the chairman of

the Foreign Relations or the distinguished Senator from Georgia of Armed Services come forward now and say if we agree to my bipartisan amendment the Soviets will object and renegotiation will be required.

I am grateful for the leadership of the distinguished Senator from Alaska, Senator MURKOWSKI; the Senators from Alabama, Senator HEFLIN and Senator SHELBY; the distinguished Senator from Idaho, Senator McCLORE; the distinguished Senator from Indiana, Senator QUAYLE; the distinguished Senator from Utah, Senator HATCH, and others; the Senator from Wyoming, Senator WALLOP. This is a bipartisan concern on both sides of the aisle. Do not give us this claim about the advantage to the Soviets, in the one breath, and in the next breath say if you take it back to them they will not agree. Let us go in one direction. Do not give us this doubletalk. And remember, the 7 o'clock news is coming on. The President is in Helsinki. When he arrives in Moscow, he is going to be empty-handed. I respect the President. I respect all who want to support the President in Moscow and his mission there. It is a very important mission. But it should be just that, an important, purposeful mission whereby we do not get snookered. Yet we have been totally misled on this particular one.

Now, as we come to the floor, they want to hide behind certain things. They want to say, "Well, if Ronald Reagan, the conservative, can agree, then why can't we?" Our distinguished President has not always been up front on arms control. He has not always been up front on arms control. We all remember the Rambler wreck at Reykjavik, where the President came out of his corner saying, let us have total zero the world around and do away with all nuclear weapons. Then we came back to reality and remembered the importance of deterrence. As Max Kampelman was quoted by Senator Packwood, it is nuclear that has given us the long peace. So as Joe Lewis said years ago, "You can run, but you cannot hide." You can run on that one for a while, but not since President Reagan suggested it.

This treaty should get advice and consent only after deliberate thought and after bipartisan testimony and support for the particular need of the ground-launch cruise missile, which does not threaten, does not give us any problem with respect to verification, and does not give us any problem with respect to the Soviets having them.

As I stated on the floor, our posture in Europe is one strictly of defense. We are not going to attack. If the Soviets attack and start using cruise missiles, let us say, if I have 3,000, give them 3,000 of them. They have a great superiority in nuclear weapons. If we go that route, then we have destroyed Europe. There is no doubt there would be no controls if we both go that way, and the use of thousands on each side,

and we would be nuclear and ending the world at that particular point.

So nuclear GLCM's cannot really be used except, as Churchill said years back, to "bounce the rubble." But it can be used in a very potent and a very dynamic and in a very effective manner as a conventional deterrent. We do not now have a credible conventional deterrent. We all admit that.

Look at the war games we lose in Europe—Reforger and all the rest. We come back and we study war games. They will tell you in open hearings at the Defense Appropriation Subcommittee that every time we have war games over in the Pentagon we lose because we have fewer men, less artillery, fewer tanks, and so on. We can only deter. We cannot conquer. So be it. Nobody wants to conquer or take over Russia. Why would we want to take custody of Gorbachev's wrecked economy?

I am very, very concerned by our posture of hiding behind verification because the contention is if you verify, then you have a good treaty. No, sir. That is not the case. Most sincerely, my colleagues, you cannot verify a lot of the other things. Banning of the conventional GLCM does not in any sense enhance the verification of an ALCM in a fixed mode in Europe; or the testing of a SLCM in a fixed mode on the ground in Europe, or a reconnaissance missile, or a drone, or even the number of SS-20's and all manner of other things, including the range of a missile.

Verification of many things is not enhanced whatsoever by giving up conventional GLCM's. It is just a sell-out of our priceless capability to raise the nuclear threshold and deter war in Europe. Senators cannot hide behind the fiction that with all this fuss now, we will take care of the problem in the next treaty.

Let me dwell on that particular point for a minute, because the whole idea is that in the next treaty, somehow, we will make it up with ALCM's and SLCM's; but the number of launch platforms is limited due to the available ships and bombers.

Let us assume that I am Chairman of the Joint Chiefs, or I am Commander in Chief, and I can get done what I want done. I will have to immediately call up and find out where I am going to put my ALCM's and my SLCM's to compensate for what my needs are in mainland Europe. We find that the number of ships and bombers available is limited there, as well as the number of platforms.

While it is true that the SLCM and ALCM may be equal in capability to a GLCM, there are several key reasons why their substitution for a GLCM is undesirable. We do not and will not have a significant number of bombers or ships assigned to the commander of European forces to equate favorably with a conventional ground-launch

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cruise missile authorization of 2,000 or more missiles.

We all on the floor and debate about the multiocean mission of the Navy. We have to remember the multiocean mission of the Navy and the primary strategic role of the bomber force.

I have described the concern—"regard" is a better word—that the Navy and Air Force have. The Air Force has such a high regard for a conventional cruise missile that they do not have one. The Navy has such a high regard for a conventional cruise missile that they do not want one. They want the ships, the planes, and the pilots, and they do not want to have their toys superseded by any kind of effective ground-launched cruise missile.

The aircraft and ships to launch ALCM's and SLCM's are more vulnerable than the mobile ground-launched cruise missile hiding in the forest. We say they can pinpoint them and we can move them and we would move that Russian observer. So we can move him and can make him mobile with the missile and the launcher with the missile and keep riding around. Maybe it will cost us a little more for the gas. But you do not move bombers unless you have gone to a real alert. The logistics for sea-launched cruise missiles cost more than the land-launched cruise missiles, and we would have to put them at risk, deploying them where ships have to be stationed, to have an effective cruise missile launch area, such as the Baltic or the Black Sea. We recently have had trouble with exercises in the Black Sea.

We would not be able to move ships or any force of that nature within the Baltic or the Black Sea. The argument is made: "Don't worry about conventional GLCM's, Senator. The SLCM will take its place." No way. You have not thought through the subject and argued with these folks as we have.

We do not have a long-range cruise missile and we probably will not have one after the START Treaty.

The distinguished Senator from Tennessee has been an expert in this field and an observer. Negotiators have already agreed, in the initial START talks, that all ALCM's will be considered nuclear. So that is already out of the window.

The negotiators have agreed already on that point. The launch of an ALCM or SLCM must be perceived by the Soviets as a nuclear strike, a problem which would not exist under an effective verification regime over conventional ground-launched cruise missiles.

Incidentally, the Soviets asked us earlier this year to get together with them on a verification regime for the cruise missile, and we declined. We will go into this in depth a little later. We were told that what we could do was to have a helicopter come with a radiation sensor over a ship, over the airfield, over the planes, and they could tell, in a verifiable manner, whether the missiles were nuclear or conven-

tional. We refused. We were not going to take them up on that.

A man convinced against his will is of the same opinion still. But the fact is that we can differentiate between nuclear and conventional cruise missiles. Nuclear cruise missiles have a different signature, they have a different support, they have a different transport, they have a different infrastructure. They have different security personnel handling nuclear as compared to conventional.

This Senator cannot say that he is 100 percent proof-positive, but I am reasonably confident that, yes, there can be a verification regime worked out that would allow us to retain conventional cruise missiles. We have made other mutual accommodations. Shevardnadze, the Foreign Affairs Minister, recommended that we get together in Geneva on this issue, and we declined. We said, "No, that can't be done."

So, with respect to the fact that the air-launched cruise missiles and the sea-launched cruise missiles in the START Treaty will take care of this particular defect in the INF Treaty—not so at all. They cannot hide behind that.

I know that those who have not studied the record before the Foreign Relations Committee and those who have not studied the record before the Armed Services Committee would say—and I have had several Senators, in trying to discuss this point, say—"Well, what is all the fuss about? We don't give up the ALCM's; we don't give up the SLCM's; so we still have a cruise missile, be it air- or sea-launched."

They have not thought about a submarine, for example. If we have a sea-launched cruise missile of a conventional nature, it takes a lot of fuel just to get the missile up to the surface. That reduces the range of the missile so the sub has to be closer to the Soviet Union; and you do not just move those ships around, with all the antiship capability that the Soviets have on hand.

So, you really are begging the question when you just shrug your shoulder and say, "Well, the committees have agreed. Why can't you? The President has agreed. Why can't you?" or, "We don't have to agree to eliminate the cruise in the START Treaty, so don't worry about it."

We cannot, and we should not hide behind that, and we should face our basic responsibility. That was the basic responsibility we faced in the very first debate with respect to SALT I. We were concerned then about our superiority of technology.

We are going to get into a debate later on with respect to that issue. We were concerned at the time of SALT I about going forward with our superiority in research and development. The Jackson amendment was agreed to during SALT.

I want to divert a minute from the cruise missile discussion and refer to these discussions with respect to the treaty interpretation language. I want to join Senator LUGAR in his objection to the inclusion in the treaty of the Foreign Relations Committee amendment because it is absolutely bad procedure.

I wish we had some contract lawyers here who would advise their clients on a contract. A contract is a meeting of the minds. A ratification is just that—a ratification of the meeting of the minds. When we get into this dichotomy between the executive and the congressional branches and the constitutional interpretation, we are getting into an exercise in futility with respect to the force and effect of any treaty.

We are getting into an exercise in futility with respect to the force and effect of the treaty itself because a treaty is a contract, the law of the land.

So we can agree all day long that this Congress meets with that President, but one Congress does not bind another Congress and one President does not bind another President. We can set all the precedents, but they have three books at the desk now of precedents and we change precedents around here quicker than the weather changes, and more regularly. So do not worry about that particular precedent that we thought, for example, we had with respect to the War Powers Resolution.

It just did not serve as precedent, did not serve as control, was not adhered to even though there were three readings in the House, three readings in the Senate, a veto and the veto overridden in both Houses. We still ignore it.

I can tell you if I came in as President, I would not give too much serious thought to it because I would have to go back to a fundamental on what the other contractual party meant in his mind.

And going right to the law of contracts, the matter of the negotiation record or the intent of the Congress here with respect to ratification only takes place with respect to an ambiguity under the parole evidence rule. You first must prove an ambiguity and if there is one whether there was the meeting of the minds. The point is not what some general testified to, not what some Secretary of State testified to. I do not say that lightly. We listen to them but we hear some very strange testimony. I heard a general the other day say that he could distinguish between a conventional ground-launched cruise missile and a sea-launched conventional cruise missile.

If he can do it, he is a genius. He said they had different software. They have the exact same software once it hits the ground and goes up and down and around the Earth's topography.

But here is one of the highest ranking authorities that you can find with

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respect to weapons and he said he can tell the difference. He made a mistake. That does not bind him.

You have to look at the mistakes that have been made in this treaty and, remember in a reflective way, to fulfill your responsibility as a U.S. Senator to advise and consent.

Back to SALT I, so you can see how history repeats itself, I am going to include the entire Jackson amendment. We debated it at that time because of the tremendous concern we had about enhancing U.S. technology. We have the same concern about our technology lead in cruise missiles today.

I was in the tent during the negotiations in August 1971 in Helsinki, Finland. I met with Secretary Kissinger, then Ambassador Gerard Smith, Paul Nitze, Harold Brown, Gen. Royal Allison, and the rest of our negotiating team.

I was with the distinguished majority leader Senator Mansfield in the heat of the day and it was not about verification. But everybody is delirious here about verification. The style in 1971 was bargaining chips, and Senators were running around knocking over chairs and desks trying to put in an amendment for bargaining chips, and more bargaining chips. It assumed the ignorance of the Soviets. And they were counseled, and Senator Mansfield unanimously said:

Don't assume that the Soviets do not know what we have. They are more expert than all of you in the United States Senate. They know all the nomenclature. They know all the weaponry. They have the best of intelligence. They know exactly the count, and they are not going to fall for any such nonsense. If you need it for your defense, then by all means include it for your defense. But, otherwise, if you do not need it, do not include it in the treaty and do not get boiled up about bargaining chips.

And then, the bottom line: Our negotiators said we have to have a real good treaty that is balanced, verifiable, equal, and stops the arms race. And we were all very, very much impressed.

Senator Mansfield and I both came back and made talks to that effect. However, they changed it at the last minute and Kissinger had to negotiate all night. This Senator had seen SALT I as it was and then as it was presented, so many of my colleagues and I raised the question of its inequality and the lack of a balanced nature. So they called Senator Jackson who at one point was opposing SALT I over to the White House, and then he agreed to support it on condition of the adoption of the Jackson amendment.

I ask unanimous consent that the entire Jackson amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JACKSON AMENDMENT TO SALT I, ADOPTED
56-35 ON SEPTEMBER 14, 1972

The Government and the people of the United States ardently desire a stable international strategic balance that maintains

peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, *inter alia*, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance under present world conditions of a vigorous research and development and modernization program as required by a prudent strategic posture.

Mr. HOLLINGS. And I would refer to this part.

"The Congress recognizes the principle of United States-Soviet Union equality reflected in the Antiballistic Missile Treaty that is on the ABM Treaty and urges and requests the President to seek a future treaty that, *inter alia*, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided the Soviet Union, and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance under present world conditions of a vigorous research and development and modernization program as required by a prudent strategic posture."

Mr. President, if you searched through the record and the debate on SALT I, you will see it was not a lengthy debate. In fact Senator Mansfield kept calling for Senators to please come to the floor. The Senator from New York momentarily had an understanding to the ABM Treaty portion of the debate but he postured with it and then withdrew it. Different other comments and statements were made. We are familiar with Mr. Buckley's comment about future technologies being restricted but, on the other hand, Senator Fong, Senator Fulbright, Senator Jackson and others had contrary statements and more than anything else Senator Jackson in his amendment to SALT I talked about the attainment of a more permanent comprehensive agreement, it being dependent upon the maintenance under present world conditions of a vigorous research and development and modernization program.

Now there you are.

Senator Jackson was thinking about continued research and development. The Senator from South Carolina was thinking about continued research and development. And the U.S. Congress, appropriating some \$50 million, the

same Congress ratifying the ABM Treaty, provided for continued research and development.

Now, we hear some years later that the President is reinterpreting the ABM Treaty. We hear all kinds of talk about a Sofaer doctrine. There is not any Sofaer doctrine because we go back to the actual instrument—the treaty. We will debate this, when it arises because I can tell you now that debate may be cut off and I feel very keenly about these things. That is why I want a little preliminary shot here this afternoon—to try to talk sense to my colleagues. And that is everyone connected with the ABM Treaty has vouched for the fact that futuristics were not controlled, that under agreed statement D research and development was permitted but that the deployment was not. That the definition of ABM systems in article II limited to those systems current and in being in 1972, and there is no question about that. You can see how article V refers back to the systems controlled in article II.

Regardless of this evidence, we still hear Garthoff quoted as saying the futures problem was decided on September 15, 1971, when the Soviets agreed to ban them as requested by the United States.

But that is not the case at all. Garthoff was mistaken. I will put a list in the RECORD now so Senators can refer to it. I do not know when we will ever get back to some of these, but Senators ought to see them in the CONGRESSIONAL RECORD at this time. They will see that some 22 times after the so-called fateful day of September 15 that the Soviets rejected limitations on ABM systems and future ABM research. So Garthoff is dead wrong.

There is one on September 17, 1971, the days after Garthoff said the door was closed that ended it all. He is absolutely mistaken on that score.

On September 17, there was a Smith-Semenov discussion; on September 20, 1971, Garthoff himself "stated that there would remain seven points of differences, including a provision to cover future 'unconventional' ABM systems." Garthoff wrote a letter to the Washington Post defending his mistake. I wrote a letter showing where he had contradicted himself in his own record. But, of course, the Washington Post was not interested in that. There has been a one-sided debate here on the ABM Treaty dispute.

That is why I take the opportunity to speak on the floor and to make it absolutely understood that I am not going to let this one pass in the night. It is bad for the U.S. Senate and the security of this country. It is bad for constitutional law and it is bad for relations between the executive and the legislative branches. We are being told time and again in editorials that a reinterpretation attempt by President Reagan called the Sofaer doctrine has

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been trapped off base. They are totally wrong on that score.

I could take this case to any court of law right up to the Supreme Court. I have been tempted to get some public interest group to do it, because this interpretation exercise is all politics. I disagree completely with the chairman of the Armed Services Committee, and others on this and, incidentally, very few of the colleagues have looked at the record—less than 20 percent of the Senators. Their view is "I go along with my chairman of the Armed Services Committee and give him his day on that and then I get what I want." To get along, you go along. That is understandable.

I have tremendous respect for the distinguished Senator from Georgia, the chairman of the Armed Services Committee, but he is totally off base on this one.

Listen to this statement. November 30, 1971, Shchukin—a Soviet negotiator:

The Soviet side cannot recognize as well-founded the proposal of the U.S. involving an obligation not to deploy ABM systems using devices other than . . . missiles, launchers, radars. The subject of a Treaty (Agreement) could only be a specific and concrete limitation of ABM systems.

These were described in article II of the Treaty. In the interest of saving time, I ask unanimous consent that the 22 times the Soviets rejected the prohibition on future ABM systems subsequent to the September 15, 1971 date be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOVIET REJECTIONS OF LIMITATIONS ON FUTURE ABM SYSTEMS SUBSEQUENT TO SEPT. 15, 1971

1. September 17, 1971. Smith: . . . had the feeling that the Soviet position on Article 2 reflected a desire that nothing be done to prejudice the Soviet position on the issue treated in paragraph 1 of Article 6.

Semenov: . . . bearing in mind that inclusion of uncertainties in an agreement would surely lead to all sorts of misunderstandings in the future. . . . with reference to the U.S. position on Article VI . . . he would not care to say any more. . . . this problem would be kept in his field of vision. . . . for the next Vienna phase.

2. September 20, 1971. Garthoff: stated there would remain seven points of difference including a provision to cover future "unconventional" ABM systems. . . .

3. November 30, 1971. Shchukin: . . . the Soviet side cannot recognize as well-founded the proposal of the U.S. involving an obligation not to deploy ABM systems using devices other than missiles, launchers, radars. The subject of a Treaty (Agreement) could only be a specific and concrete limitation of ABM systems. . . .

4. December 7, 1971. Garthoff: On Article V, both sides reiterated the strong positions which they hold on the question of the paragraph relating to future systems. . . . Kishilov and Grinevsky flatly asserted that they were certain there would be no change in the position on the Soviet side.

5. December 10, 1971. Brown: The Soviet side has objected to limits on possible future ABM systems on the basis that such systems are defined only in general terms.

6. December 14, 1971. Nitze: noted in connection with Shchukin's comments . . . on future systems he had emphasized the inappropriateness of this subject for treaty language. . . .

7. December 14, 1971. Semenov: Although Dr. Brown said that the question of future ABM systems, which do not include launchers, radars, and interceptors. . . . I would like to ask what this is all about in concrete terms. In what does the U.S. side see a danger in the absence of a provision on this account in the treaty? If these systems cannot be defined now, except that they are not something known today, and, at the same time, the draft treaty includes a number of clear limitations and constraints not to deploy territorial ABM systems, not to give the capability for rapid reload, etc., is it not sufficient to have such limitations? To be sure, including in the treaty a provision covering something that is not known cannot be justified by any considerations, and therefore this proposition cannot be the subject of a treaty.

8. December 17, 1971. Garthoff: On future ABM systems, I suggested to Kishilov the possibility of a new approach to meeting the issue. Perhaps it would be possible to have a clear and explicit understanding, for example, in an agreed minute, that neither side would deploy a future ABM system or components without prior consultation and mutual agreement in the Standing Consultative Commission.

9. December 17, 1971. Garthoff: Grinevsky referred to the conversation I had had that morning with Kishilov concerning a possible alternative approach to handling future ABM systems. . . . handling these matters through the Standing Consultative Commission, rather than through explicit treaty provisions, offered a possible resolution to our differences.

10. December 20, 1971. Semenov: . . . suppose that the draft treaty had a provision on limiting systems other than those now known which use interceptors and launchers such a provision would create the grounds for endless arguments, uncertainties. He asked if the goal of the two Delegations isn't just the opposite, that is to reach agreement on limiting known ABM systems, certainly such limitations on known ABM systems constitute a factor for relaxing international tension and curbing the race in strategic arms and limiting them. How then could an ABM treaty include a provision about whose content the sides do not have the vaguest notion? Could the sides include in an ABM treaty the unknown without risk of making the treaty indefinite and amorphous? The sides cannot and must not engage in discussion of questions not known to anyone. The task faced by the two sides is to erect reliable barriers against deployment of known ABM components in excess of the levels defined by the ABM treaty. If it should appear necessary to supplement the ABM treaty by a provision prohibiting or limiting other ABM components in addition to those now known, this can be done in accordance with the procedures provided for in the provision on review.

11. December 20, 1971. Grinevsky: raised the question of dealing with future ABM systems through statements on the record. . . .

Garthoff: noted that the suggestion he had advanced in this respect was for an agreed minute; there must be a clear agreed mutual understanding that, prior to any deployment of future systems there would be consultation and agreement in the Standing Consultative Commission.

12. December 21, 1971. Grinevsky: asked if the American side had proposed language

for the suggested separate agreed understanding on future ABM systems.

Garthoff: said he could provide an illustrative draft statement as a possible solution to the impasse over the American proposal for a third paragraph in Article V. The Soviet Delegation has said on several occasions that it is opposed to the proposal by the United States to include a provision in the ABM agreement prohibiting ABM systems in the future which would use devices other than ABM interceptor missiles, ABM launchers, or ABM radars to perform the functions of those components. In order to contribute to negotiating progress, while maintaining our basic position on this matter, the U.S. side is willing to drop Article V(3) if there is clear agreed understanding as part of the negotiating record. An Agreed Minute could read as follows:

The Parties agree that the deployment limitations undertaken in Article I and Article III are not to be circumvented by deployment of components other than ABM interceptor missiles, ABM launchers, or ABM radars for countering strategic ballistic missiles in flight trajectory. They agree that if such components are developed and the question of deployment arises, neither side will initiate such deployment without prior consultation and agreement in the Standing Consultative Commission.

13. January 11, 1972. Shchukin: The Soviet side continues to believe that only quite specific ABM system components of which each side had a clear idea could be included in an ABM treaty . . . For this reason the Soviet delegation continues to consider this point "not suitable" for inclusion in the draft ABM treaty we were negotiating.

Nitze: said he had understood from Shchukin's remarks that he believed that if ABM components other than radars, interceptors and launchers were developed, they could appropriately be the subject of consultations under Article XIII. However, if such components were developed and could, in fact, be deployed in a manner to circumvent the specific limitations of Article III of the treaty, would it not be appropriate that they also be subject to agreement between our Governments?

14. January 11, 1972. Grinevsky: said that the treaty referred to ABM systems which were defined in Article II. It could not deal with unknown other systems.

Garthoff: challenged this interpretation on two grounds: first, the treaty dealt not only with ABM systems compromising components identified in Article II, but all ABM systems; second, the issue did not concern "other" systems but rather future ABM systems. However, what Garthoff was referring to—and what the U.S. was particularly concerned about—was precisely ABM systems and components of some new kind in the future. Garthoff repeated his reference to laser ABM interceptors as an example. . . .

15. January 14, 1972. Trusov: affirmed the Soviet position that it is premature to discuss limiting systems which are now nonexistent, and that if and when such systems appear then limitation would be subject to discussion under the provisions of Articles XIII and XIV of the Draft ABM Treaty.

16. January 14, 1972. Shchukin: said he had a very brief comment to make. At the January 11 meeting, Mr. Nitze had asked the question whether so-called "other ABM means" would be a subject not only for appropriate consultation but also for agreement. Both sides agree that they should assume obligations not to deploy ABM systems except as provided in Article III of the draft ABM Treaty. In order to insure implementation of this provision of the Treaty, the sides could, in the event of the

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emergence of ABM systems constructed on the basis of other physical principles, further discuss the question of their limitation in accordance with Articles XIII and XIV of the draft ABM Treaty.

17. January 14, 1972. *Grinevsky*: produced a Soviet draft, based closely upon (but not identical with) the statement made in the meeting that morning by Academician Shchukin. The statement read:

"With a view to ensuring the implementation of the provisions contained in Articles I and III of the Treaty on the limitation of ABM systems, the Parties agree that in the event of the emergence of ABM systems based on other principles questions of their limitation may be discussed further in accordance with Articles XIII and XIV of the ABM Treaty."

18. January 26, 1972. *Grinevsky*: in response to the latest proposed U.S. language on the Agreed Interpretive Statement on future ABM systems strongly urged that the American side not pursue this proposed addition, i.e., a clause reading to perform the functions of ABM interceptor missiles, ABM launchers, or ABM radars. He also commented that his side had now accepted the earlier American formulation completely, and in fact had accepted the American position on the subject entirely, save only that it would be a jointly agreed interpretation rather than a paragraph in the treaty.

DRAFT INTERPRETIVE STATEMENT OF FUTURE ABM SYSTEMS

In order to insure fulfillment of the obligation not to deploy ABM system components except as provided in Article III of the Treaty, it is agreed that in the event ABM system components other than ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such system components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

19. January 31, 1972. *Garthoff*: I suggested that perhaps we need a fresh approach, first survey the problem and see if we agreed on the substance of the matter—which I believed we did—and then find appropriate language to express this agreed position. *Grinevsky* saw that I was speaking from prepared notes and seemed interested. I thereupon gave him a copy . . . after reading the talking points, *Grinevsky* said that he believed there was complete agreement.

Garthoff talking points:

It is understood that both sides agree that:

1. ABM systems and their components, as defined in Article II, should not be deployed except as provided for in Article III.

2. The deployment of ABM system components other than ABM interceptor missiles, launchers, or radars to perform the functions of those components is banned.

3. Devices other than ABM interceptor missiles, ABM launchers, or ABM radars could be used as adjuncts to an ABM system provided that the devices could not perform the functions of and substitute for ABM interceptor missiles, ABM launchers, or ABM radars. For example, a telescope could be deployed as an adjunct to an ABM system, whereas a laser for performing the function of an interceptor missile by rendering ineffective a strategic ballistic missile in flight trajectory could not be deployed.

4. Article III should be drafted so as not to permit the deployment of devices other than ABM interceptor missiles, ABM launchers, or ABM radars to substitute for and perform their functions.

5. If such devices are created in the future, their deployment could be provided for by limitations subject to discussion in ac-

cordance with Article XIII and agreement in accordance with Article XIV.

20. February 1, 1972. *Allison*: I observed that both sides have had a clear understanding for some time that within the context of our negotiations when we speak of an ABM system we are referring to a system made up of three components—ABM launchers, ABM interceptor missiles, and ABM radars. We also appear to agree that substituting a different component for one of these three in the future would result in a "future" or "other" ABM system. It seems that our Delegations should be able to agree on a set of words for the interpretive statement.

21. February 1, 1972. *Nitze*: It seemed to me to be most likely that if something new were to become possible in the future, that this would be of such a nature as to substitute for either launchers or interceptors or radars, but not for all three.

Shchukin: said that if a new system were developed which could substitute either for radars or for interceptor/launchers, this would be a new system and, as such, subject to Articles XIII and XIV.

22. February 1, 1972. *Garthoff*: *Grinevsky* called to say that he believed his Delegation could accept the proposal if the words "based on other physical principles and" were included before the phrase "including components."

AGREED STATEMENT D TO THE TREATY

In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

Mr. HOLLINGS. Mr. President, I appreciate the Presiding Officer not objecting.

On December 10, later Secretary Brown said:

The Soviet side has objected to limits on possible future ABM systems.

They go down, again and again and again.

On December 17—*Garthoff* himself:

On future ABM systems, I suggested to *Kishilov* the possibility of a new approach to meeting the issue.

This is *Garthoff*, who said it was settled on September 15 talking on December 17:

Grinevsky referred to the conversation I had had that morning with *Kishilov* concerning a possible alternative approach to handling future ABM systems . . .

Says who? *Garthoff*. *Garthoff*, that is who I am quoting there.

You can go right through December 20; December 21, again *Garthoff* is quoted there. January 11, 1972; January 14; right on down the line.

You can see even on January 31, 1972, *Garthoff*:

I suggested that perhaps we need a fresh approach, first survey the problem and see if we agreed on the substance of the matter—which I believed we did—and then find appropriate language to express this agreed position. *Grinevsky* saw that I was speaking from prepared notes and seemed interested. I thereupon gave him a copy . . . after reading the talking points, *Grin-*

evsky said that he believed there was complete agreement.

And the talking point was from January 26, 1972, of a draft interpretive statement on future ABM systems.

This is how we finally said they agreed on future systems.

On February 1, General Allison:

I observed that both sides have had a clear understanding for some time that within the context of our negotiations when we speak of an ABM system we are referring to a system made up of three components—ABM launchers, ABM interceptor missiles, and ABM radars. We also appear to agree that substituting a different component for one of these three in the future would result in a "future" or "other" ABM system.

That word "future" is in quotes and "other" is in quotes.

It seems that . . . our Delegations should be able to agree on a set of words for the interpretive statement.

February 1, *Nitze* is quoted. And on February 1, *Garthoff* is quoted:

Grinevsky called to say that he believed his Delegation could accept the proposal if the words "based on other physical principles and" were included before the phrase "including components."

And then they quote Agreed Statement D.

Now, that was not an elaboration, but a prolonged 6 month dialog, going round and round, trying to get the Soviets tied down. And there was a constant Soviet position, as appears in the treaty itself, because the agreed statements are part of that treaty, that clearly allows the research and testing of future systems. So Agreed Statement D is how futuristic systems are controlled, because they could not know what they were and definitely control all aspects at them. You can have research, you can have development.

And, Mr. President, when this particular issue arose, what happened? They went back in the most methodical way. Let me cite to you from memory.

The went back through the different records made. And if you go back, I will show you several quotes by Ambassador Gerard Smith that futuristic systems were not barred by ABM, and that we could research and test. There is no question about it. He said so in his book "Double Talk." When he comes up and he writes the story of the SALT I and the ABM Treaties, he quotes categorically that they are still allowed in that particular book.

So we have the chief arms negotiator bound by his record that futuristic could be researched and could be tested.

Going on to Ambassador *Nitze*—and no one questions his integrity and his ability. He studied it at length and came and testified under oath that there is no question that the research, and testing, of futuristic systems is provided for in the ABM Treaty, that it is not barred.

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We then go to General Allison, and he testified for it. We go to Secretary Kissinger, who was part of it. And I can give you his statement to that effect. We can go to Harold Brown, who was later Secretary of Defense. In his report to the Arms Control and Disarmament Agency, as Secretary of Defense, dated September 1977, he said that testing and development is allowed.

You go to different witnesses, the chairman of the Joint Chiefs at that particular time, Admiral Moorer. Everyone involved said you could do it.

I have found no Senator on the floor who participated in the 1972 treaty ratification, of which I am one, who said he was misled. Yet we got into a terrible disagreement last year on how we had caught Judge Sofaer in a little trick for the Department of State where they were going to reinterpret.

I can even show you the quote from *Izvestia*, the Soviet newspaper, where Karpov is quoted in May of last year saying that we could research, test and develop future systems. Of course, the United States has foreclosed that particular debate until now by saying that we are not going to appropriate funds; we are not going to do it. That is the will of the Senate, but let us not cover that will of the Senate under a subterfuge of being loyal to a treaty or responsive to what was agreed to; we are bound and cannot provide otherwise.

That is totally wrong. It should be noted somewhere in the CONGRESSIONAL RECORD someplace in history when they write about this argument, about the meaning of words, that no games were being played.

There is a genuine feeling among those of us who voted in support of that treaty that we wanted to make sure. But with respect to technical matters and the meaning of contracts and treaties, that is what I am referring to.

You can make mistakes. This Senator has made them many times, and you have to go back to the treaty itself and its record and the negotiating record thereupon.

I will never forget at the time I learned about SALT and what it stood for. I was told SALT stood for "Stop America's Lead in Technology."

We do not have as many troops as the Soviets, and we cannot prevail against them one on one. The only way we maintain our security, the only way we maintain the freedom of the free world is through our superiority in technology. We never can give it up. That is why it is part and parcel of the Jackson amendment in SALT I and a forewarning, an agreement made with respect to the ABM Treaty.

The Congress provided for it.

Now we have a small group and staff who wants to get us into a huge argument about what the meaning of words are, and whatever the President says he is bound by.

We are all in a political forum, and I do not believe we want to bind our-

selves. We are, by our words, bound, obviously, in politics, and there is no question about that.

What we have, in essence, today is a big debate. If the desire is to limit the time so we can have the INF Treaty ratified by the time President Reagan is in Moscow, I suggest that the Foreign Relations Committee amendment be set aside permanently.

Going to the Senate Armed Services Committee report on the INF Treaty, it puts Ambassador Nitze providing the following summary explanation of the President's decision:

Given we have protected ourselves on the air and sea variants and we had no current requirements for conventionally-armed INF GLCM, we then had to weigh the potential benefits of protecting this option against the verification difficulties inherent in distinguishing between nuclear and conventional-armed GLCM's. The U.S. Government had been unable to develop, and the Soviet Union had not put forth, a regime to verify effectively the differences between the two types. Thus, rather than permit Soviet conventionally-armed GLCM's, all the while having to assume for military planning purposes that each Soviet GLCM was capable of delivering nuclear weapons, the President decided to ban all INF GLCM's.

So what they did is really put it off on two scores. One was verification, the other was no need. On the basis of no need in the Pentagon, they went along with it and then talked in a general sense about the advantage to the Soviets. There can be no advantage.

Let me begin to close here for a minute, and then I will debate anyone who wants to discuss it. I want to bring before the U.S. Senate the clear-cut intention of the treaty itself with respect to what we are agreeing to. You can see why I make the emphasis that there is no need for the Soviets to have a conventional ground launched cruise missile within the range of 500 to 5,500 kilometers.

Rather, there is a need, for it if NATO is going to correct the imbalance of conventional forces between the Alliance and the Warsaw Pact, as a matter of basic defense and in order to raise the nuclear threshold.

We have on this particular map of Europe Mr. President, which I will elaborate on further at the time my amendment is debated, the territory covered by both United States and Soviet short-range missiles allowed under the treaty.

We can see that our arsenal covers mainly a few hundred kilometers or so into East Germany. That is about all we can hit. We can hit some down in Romania if we are going to attack Romania or Yugoslavia. I do not think we are going to do that. What this shows is we have agreed we will not reach the Soviet mainland short of an all-out nuclear attack. We are no threat whatsoever.

We have surrendered all capability for hitting the Soviet Union with a conventional weapon. Oh, yes, we have nuclear. All of us in this room, I hope,

are trying to forestall any idea of going nuclear.

So let us zero in on exactly what we are talking about. We cannot go conventional at all, whereas conventionally we see now that the Soviets can do. The red is the extent of their coverage and they can hit all essential airfields except in England. All of the troops that we have in West Germany, Greece, Turkey, and the low countries. All the forward troops that the Turks, Greeks, French, and Italians have are within range, of allowable Soviet short-range missiles. We forsake a deep-strike capability putting key Soviet and pact military targets at risk—and the Soviets can still hit us at will.

At this particular point, let me turn to the SCUD an allowable, Soviet, short-range missile. If you remember, it is suppose to have a range less than 300 miles in 500 kilometers. The Soviets gave that to the Iraqis, and the Iraqis fired it. They were absolutely amazed it went 600 miles or about 1,000 kilometers all the way to Iran. It went double what they said it would.

That is the kind of game the Soviets are talking about when they talk short-range. This map shows the range coverage agreed upon, not what we know in the real world about their SCUD's.

I can say, the first thing any Soviet commander who is worth his salt will do is cover all the ports and all the airfields with a chemical attack. Who is going to land in the middle of that? We are not prepared to do it. We do not have the equipment. We do not have the training, we are not going to land there.

This is a vulnerability, and the Senator from South Carolina is dreadfully concerned about the seriousness of it.

So the Soviets can cover essentially everything of significant importance in NATO except England and southern Italy.

I was amused again when the administration tried to think of another excuse for abandoning conventional GLCM's by turning to chemicals. When they came to that, they said: "Well, if we give them a conventional ground launched cruise missile, they could start"—start? Where are they talking from? Where have they been? Wake up, America. The Soviets are using chemicals. They have used it in Southeast Asia. They have a tremendous supply of it. The Iraqis are using chemicals. We have a marginal supply for upgrading what we have in order to make our chemicals safe; the binary.

We sit around like we are in control of the world, that if we do not have it, they will not have it.

Well, that is fanciful and totally spurious in nature. They have chemicals. They are trained for them and they can put chemical warheads on numerous missiles and shells right now. Yet, the JCS testifies, "We don't have a

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present requirement. If you give it to the Soviets, it would enhance their chemicals. This would enhance their chemicals but it is an unneeded enhancement." Who said the enhancement is needed when they already have it?

We have 681,000 troops, United States DOD civilians, and dependents in Europe, over 550,000 of which are covered by treaty allowable Soviet short-range missiles. So what we have stopped in the treaty is a limited number of nuclear warheads and the ability to redress the imbalance in conventional forces—all the exposing ourselves to obliteration. But we say to the Germans to give up the Pershing I's because we are behind you 100 percent and we are going to beef up our conventional strength. And then in the same breath, we decimate in perpetuity, forever and ever—this is a binding treaty—the conventional ground-launched cruise missile. Our equalizer, if you please, for the imbalance of conventional forces between Warsaw and the NATO allies in Europe.

That is the real consideration before us. Every Senator here agrees that he does not want to go nuclear. Every Senator here agrees that he wants to beef up our conventional forces. And every Senator agrees that it must be affordable. Much of what you and I want we cannot afford; the expense of this modern-day technology is just absolutely outrageous. Take the Stealth bomber. The Air Force estimated the cost last week at about \$400 million for one plane. They want 132 of them. If we just reduce that by 10 still have 132—we could provide nearly 3,000 highly accurate, devastating, conventional, ground-launched cruise missiles. These missiles are not like pilots that can get drunk on Saturday night. They do not cause any environmental damage, do not need any family, on the support and training base and all of those other things that cost money. They are easily placed; they are easily delivered; they are easily moved; they are easily defended, they are easily afforded; and they are easily verified if we can have the Soviets come and inspect at any time. We want them to know that they are not nuclear and if they do not even give us verification of their cruise missiles we can assume they get double the number, 6,000 and we can assume that they all have nuclear warheads. So what? If they go that route, we go to MX, Minuteman III's, Trident, and the world is ended anyway.

What I am talking about is real defense. So do not give me the bum's rush here about backing the President. I have backed him more than those who are complaining we should back him on this. I can tell you categorically we have a serious advise and consent responsibility. But what we are doing is for show business. Sure, we can do our duty. We can back off. It is not simply a question of affording

or actually deploying conventional ground-launched cruise missiles, because if you don't you then begin the decoupling of West Germans from the NATO alliance.

Margaret Thatcher in England says, "I am going to keep my Tridents even though I have only a few." She corrected President Reagan. She did not say, "Let's get along with the President." She said, "I absolutely disagree with his statement at Reykjavik and under no circumstances am I giving up my nuclear deterrent. And to prove it, I am ordering more Tridents. She has had the character to correct that particular Reykjavik mistake made by our distinguished President. Why not us? We have corrected him on clean air. We have corrected him on environment. We have corrected him on high ways. We have corrected him on trade, we have corrected him on South Africa. But when we come down to our national security, we all dance around the fire in a love-in with Gorbachev. We have to listen to lectures about how the Soviets are going broke. I never heard so much nonsense in my life.

If the Soviets want to save money, tell them to get out of Nicaragua. They spent \$5 billion in the last 7 years there. We could only get \$231 million to the contrary. And they wonder why we are losing down there. We have a Bay of Pigs in slow motion in Central America. No one is taking the responsibility. Everyone wants to have a grand show. Everyone wants to know what Mrs. Reagan is going to wear. Everyone wants to know are they going to see this and how they will act and will they have shower curtains and everything else of that preposterous nature.

It is one grand party. It is sort of a security Mardi Gras. But no one in the Senate is paying attention. If the Soviets are going broke, tell them to save money in Nicaragua. Tell them to save the \$6 billion a year they spend in Cuba. I can balance their budget. Make me chairman of the Soviet budget committee. I will show them how to build up their economy with perestroika. Tell them to save the money they have put in Southeast Asia, in Cambodia and Laos. The Chinese have been telling them that. Tell them to save the money in Afghanistan. They have not withdrawn. They are putting on a good show. I hope it follows through. I have my doubts. Tell them to save the money in Yemen, billions there, in Somalia, in Ethiopia. Tell them to save money in Angola. We can go all around the world into different places where they are spending a fortune. "Dictatorships march while the democracies debate," said John F. Kennedy over 40 years ago in his treatise, "While America Sleeps."

(Ms. MIKULSKI assumed the Chair.)

Mr. HOLLINGS. We are not to disagree anymore while America per-

forms. The news media, Madam President, has taken over, and we all are performers now, or else you do not survive in the body. So we cannot really debate, we cannot really listen, we cannot hear the points being made. All we know is that we can easily and politically hide behind this one. The committees of Congress have checked it out first. The President has agreed. So what is your beef? Let us get on TV and talk: Oh, yes, we are going to not agree to limiting the cruise in START. Well, I have covered it. Oh, yes, we are going to beef up our conventional, we have to have a sharing of the burden. That's what all Presidential candidates say. We tried that 10 years ago under Jimmy Carter with a 3-percent real growth agreement—but our allies would not take us up on the 3 percent. They would not spend it. We have spent more than that under President Reagan—up to 7 percent of our GNP, but we have tried to act like the Government just started because Reagan came to town. We have been trying to get more burden sharing. But we have not been able to persuade them to do it. And now, Reaganomics is stopping us from spending to the levels that are needed.

And here when we get a chance to logically and reasonably provide ourselves with our superiority of technology—with a defense that raises the nuclear umbrella—we bug out in a stampede about get it done by Friday night so we can all leave. The President's show is on in Moscow and we can all go our merry way. Do not let me say on Friday night, or in the middle of the night Saturday or whenever we go, that it is a disgrace. I am willing to listen. If I am mistaken, come on the floor and tell me where I misquoted. I have not. I have been careful. Tell me where I have misled. I have tried not to.

I have tried to bring into issue this particular item so we can get the attention because everybody now has been going off in a stampede of trying to get cloture, and stop any kind of debate with respect to the treaty itself.

I can guarantee you this from my experience. If we had a Democrat in the White House, this treaty would never be ratified. I know that. The Senate knows that. I think we ought to slow down and sober up. I know good and well if the Armed Services Committee would carry through as it did under SALT II when it rejected that treaty that we could correct this terrible flaw in INF. That's what hurts the alliance—killing our superior technology. But we are ready and prepared to do it; because we are told it would hurt the alliance more if the treaty is rejected than if the treaty is accepted.

But you have to look at the overall picture, and relations between the two superpowers. I will agree with that.

But with respect to this one particular item, they cannot plead that. The

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alliance would agree to it. They have already agreed. We have them deployed there now. It would save them troops. It would save those particular leaders. That is why the French got out of NATO because our troops were there causing them a domestic political problem. I think, if 40 years later I had some British troops still stationed in downtown Charleston, SC, I could run on the basis of getting rid of the British and get elected. And I think that is how we got here—by getting rid of the British.

So do not act like we do not understand it. The conventional GLCM was lost because of the tragic testimony of the Joint Chiefs, that they had no requirement for it when the Defense Service Board and every other internal expert group study shows just the opposite.

The fact is they do have a requirement. They just did not pay any attention to it. They did not counsel with our NATO commander. They certainly did not counsel with Gen. Bernie Rogers who had been there for about 8 years—all the time this treaty was being negotiated. They would have found a different situation because they know, Rogers and all the commanders like Al Haig and others being there know, the difficult of domestic politics in Western Europe. It is very, very difficult to hold the line with respect to all the particular pressures—whether political, economic, environmental, or peace pressures. We all understand those.

Let us not give up this one on the basis it can be repaired because it cannot. On the contrary, it sets the worst possible precedent and is already accepted as a precedent by the negotiators on START. Do not come to the floor and say it can be repaired in START.

So there we are. I am going to yield the floor, Mr. President, in just a second. I want to thank my colleagues for their indulgence and the chance to be heard at least momentarily this afternoon. But I wanted to get into this and the various points that are beginning to hide the President's agreement. "You have to not embarrass him." Let us stop that, and let us look at exactly what we are doing. This treaty can be ratified. But we must not in perpetuity ratify the elimination of our superiority in technology and begin the dismantlement of the NATO alliance which we most assuredly will be doing with this one.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Madam President, the treaty on the elimination of intermediate-range and shorter range missiles, or the INF Treaty, is an important political victory for NATO. The actual contribution to alliance security is modest, and its long-term implications are unclear. Nevertheless, I support this treaty enthusiastically and I will vote to ratify it. But I also believe that the case for the INF Treaty is not self-evident, and that it is important for each of us not only to have thought through to our convictions but also to share our thoughts with each other and with the public. That is the purpose of my remarks today.

Mr. President, let me begin by summarizing a little of the history of the INF Treaty, since it contains some lessons that are important for us.

You will recall, Madam President, that even after détente between the Soviet Union and the United States began to fade in the early 1970's, it continued to flourish for some time in Europe. Our allies eagerly pursued every avenue toward better relations with the Soviet Union, backing up their efforts by encouraging very large flows of trade and credit. For optimists it seemed only a matter of time before the military competition between NATO and the Warsaw Pact would begin to ease, as a logical consequence of the dramatic improvement in political relations.

Time passed, however, with no indications that the Soviets were ready to moderate their pursuit of military power. Meanwhile, by the mid 1970's, a sequence of very blunt Soviet moves in the Middle East and in Africa began to suggest the need for a much more guarded assessment of Soviet intentions. It was against this background of growing uneasiness that word came from intelligence services, of the development of a very impressive new Soviet weapon: the SS-20 intermediate range ballistic missile.

The SS-20 would be able to cover all of NATO, including the United Kingdom, from launch points well within the Soviet Union. It would be a solid fuel missile, about to be launched without lengthy advance preparations, and it would be mobile. It would also carry three independently retargetable warheads. Finally, and this was the most difficult fact to digest, the SS-20 would supplement hundreds of nuclear warheads on older Soviet intermediate range missiles, already aimed at targets in NATO.

That raises the question of what were they doing, and why?

What could be the point of making the rubble bounce?

The first, and for some time the only clear Western explanation for the SS-20 came from Helmut Schmidt, the Chancellor of the Federal Republic of Germany. Schmidt noted that the Soviet Union had already achieved strategic parity with the United

States, and that the United States and the Soviets were working to codify that balance in the SALT negotiations. He believed that although strategic parity was well and good, it could have an unfortunate side effect; namely, that parity would heighten the risks associated with any regional imbalance of power between the West and the Soviet Union. With the SS-20, Schmidt believed that the Soviet Union was on its way toward creating just such an imbalance in the European theater.

Schmidt never asserted that the SS-20 by itself was proof that the Soviets were intent upon going to war. Rather, he argued that this missile would lend itself very well to the Soviet Union's primary objectives in Europe, which—then, as now—involve reducing confidence in the United States and fragmenting NATO, so as to advance the growth of Soviet influence. As a former German Minister of Defense, Schmidt understood that the SS-20 could do this by creating a pronounced regional nuclear superiority for the Soviet Union, which would in turn sap confidence in the credibility of NATO's own nuclear deterrent.

It followed that the West could not afford to shrug off the deployment of hundreds of SS-20 launchers. Although Schmidt very much preferred to deal with the problem through arms control, he also understood that counterdeployment of some kind would be necessary for two reasons: First, because the alliance then lacked the means to respond from its own—that is, European—soil to nuclear attacks coming from the territory of the Soviet Union; and, second, because a strong response to the SS-20 would be needed in order to motivate the Soviets to take Western concerns seriously.

As a matter of chance, the German Government began to press the United States to take action at a time when weapons suitable for that purpose were near at hand. Our cruise missile program—though initially aimed at developing ALCM's—was perfectly adaptable to launches from the ground, from bases located in Europe. Another program, for developing a replacement for the short-range Pershing I missile, turned out to be readily convertible into the longer-range Pershing II, through the addition of a second stage. To its credit, however, the Carter administration did not jump at the opportunity to deploy these new systems. On the contrary, it moved in this direction only with reluctance, in order to head off a major crisis of confidence in NATO.

The decision to deploy the Pershing II and the GLCM's occurred in 1979, after 2 full years of deliberation in NATO; a decision which was accompanied at once by an appeal to the Soviets to negotiate.

This was the well-known "two-track" strategy: to deploy and to propose negotiations.

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The Soviets, however, were clearly not convinced that this deployment would ever actually occur, but banked instead on the chance that it could be stopped by agitation in Western Europe.

It is best for us on this occasion to remember and to fully appreciate, that allied political leaders had to resist very great pressure for years on end, before and after the missiles began to be deployed.

I think it is absolutely clear, Madam President, that if these leaders—in the Federal Republic of Germany, in Italy, in Belgium, in Holland, and in Great Britain—had ever fallen away from their commitments, we would not have this treaty before us today. Allied determination is what it took to convince the Soviet Union that the SS-20 was a blunder. And while it is certainly to Gorbachev's credit that he recognized this and grasped the nettle, we would miss the entire point of what has happened, if we forgot that the nettle would never have been there in the first place, unless our allies had been willing to bear its stings first.

There are some very astute thinkers who believe that the INF Treaty goes too far, in that it requires us to remove and destroy every last Pershing II and GLCM, even though the Soviets must take cuts that favor us 4 to 1 in the process, measured in terms of currently deployed warheads. From a purely theoretical perspective, those who are concerned about the end result of the INF Treaty have some legitimate arguments to make. These missiles filled in a gap in the range of nuclear options available to NATO. To compensate for their loss, we shall have to fall back on short-range battlefield systems on the one hand and U.S. strategic systems on the other. Both of these alternatives have serious drawbacks.

There are other observers who note that the INF Treaty deals with an extremely narrow sliver of the nuclear problem, and they are also correct. In numerical terms, INF deals only with about 3 percent of the total nuclear force available to both sides. Moreover, while we are eliminating a relatively specialized class of weapons, we have not at all prevented the development of easy substitutes for those weapons.

True, both sides will totally abolish any ground-launched missile capable of delivering a warhead within a range extending from 500 to 5,000 kilometers. But the Soviets can still target all of Western Europe with nuclear weapons, either by reallocating long-range systems or by increasing the number of their shorter range weapons, or both. NATO retains similar options, in addition to the British and French nuclear forces, neither of which are covered by the treaty, and both of which are scheduled to grow considerably in size and effectiveness, through modernization.

In short, the direct, measurable effect of the INF Treaty on the nuclear balance can readily be vitiated by either or both sides, when and as they choose to exercise options that are not at all constrained by arms control. Hopefully, a START agreement will finally create meaningful limits at the upper end of the nuclear spectrum, and thereby at least partially complete a context for the INF Treaty. However, even if this happens in the near future it is likely to be a long time before effective limits can be devised and negotiated for the as yet untouched shorter and tactical range nuclear systems on both sides.

In this domain, moreover, the conceptual, political, and negotiating problems will be much more complex. The zero/zero INF outcome will offer no guide to what must be done. NATO cannot dispense with tactical nuclear weapons until and unless truly radical improvements can be made in the balance of conventional forces in Europe. Pending those kinds of changes, or rather, as necessary steps toward them, the alliance will have to work its way through tough decisions in which the future of its nuclear deterrent, its conventional force modernization programs, and its approach toward negotiating with the Warsaw Pact are all pieced together.

Nevertheless, despite any of these considerations, the INF Treaty unquestionably fulfills what the alliance set out to do in 1979. The reductions it secures from the Soviet Union are heavily in NATO's favor. Problems relating to the conventional balance of forces may stand out more clearly, but they are no worse than before. Ensuing rounds of negotiations will be much more difficult, but INF creates a reasonably good point of departure for them.

Moreover, the defeat of this treaty in the U.S. Senate would be a disaster of the first magnitude. It would waste the accumulated political investment of every major European leader for the last decade and the United States Presidents, one in each party. It would demonstrate that the United States is dangerously inconsistent and undependable. It would be the most priceless gift to those who wish to see us discredited.

Madam President, just about 10 years ago, the Carter administration had nearly finished negotiating the SALT II Treaty. That treaty offered us the chance to take a modest step toward halting the arms race in strategic weapons. It did not solve every problem, but it would have been a very good foundation for future efforts. I cannot help but remember how the Reagan administration dealt with that treaty: calling it fatally flawed, and promising to bring us back treaties that were truly militarily significant or none at all. Now that same administration stands before us with the INF Treaty, appealing for its speedy ratification over the vigorous objections of

Senators who depict this treaty as a betrayal.

These same Members now find themselves abandoned by both the administration they hoped would be uniquely their own and by the great majority of their Republican colleagues. But they are not without hope, because there is still a chance that the administration will defeat itself and frustrate its own objectives, for the sake of the one and only issue that it still holds above compromise: the option of moving to develop and deploy SDI.

When the President first revealed his concept for a space-based defense system based upon laser rays and electron guns, some of us consulted physicists who said that SDI could never work, as promised, at least not in any future they could foresee. Others of us consulted the ABM Treaty, which clearly said that SDI was already prohibited. Since then, we have seen that there is no shortage of technicians who will claim that anything is possible, so long as the money keeps coming. And we have also seen that there is no shortage of legalists willing to attempt to prove that treaties can mean whatever we want them to mean. Among the latter, of course, we have the State Department's legal staff under Judge Sofaer.

According to Judge Sofaer, the ABM Treaty never had meant what the Senate was told it meant at the time of ratification. On the contrary, Judge Sofaer asserted that the treaty's real meaning was in fact 180 degrees removed from the meaning the Senate understood it to have, so that instead of controlling new defensive technologies, it specifically exempted them from any serious constraint. We have had a long and bitter experience as a result, and most of us are determined that the confusion caused by the Sofaer "doctrine" must be cleared up.

The INF Treaty is going to mean what this body understands it to mean on the day we vote for its ratification, and that interpretation must be binding on this and all future administrations, until and unless the Senate consents to any proposed change. If, under the Constitution, Presidents may not bind the United States to treaties unless the Senate consents, then what is the value of that consent if the Senate's understanding of treaties is not binding on Presidents? The INF Treaty is important but not in comparison to the Constitution of the United States. And yet, self-evident as these propositions are, the administration continues to resist any effort to assert them and offers us instead trojan horse compromises designed to trick us into receiving the very thing we are trying to defeat.

This is not a treaty for true believers. Instead, this is a treaty for those of us who accept that arms control cannot exist at all if we demand perfection at each and every point. It is a

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treaty for those of us who do not see compromise as betrayal, but rather as the necessary price for getting done what is in the realm of the possible. And, finally, it is a treaty for those of us who are willing occasionally to join forces across party lines when that is needed for the common good.

There is a final lesson here. Bipartisanship has all too often been something to which the present administration resorted only in extremes. And, just as often, bipartisanship was the first value this administration was ready to sacrifice when it thought that the need was past. Now, the success of this treaty will depend upon the fact that many of us in this body believe that, where the national security is concerned, bipartisanship should be the norm, rather than the exception. Ratification of this treaty will be a victory for those who proceed in that spirit.

It is a good treaty. It should be ratified.

And in conclusion, I want to offer my congratulations and the thanks that many of us feel toward the negotiators who have worked so long and so hard in securing this treaty.

As one of the 10 Senate observers I have made numerous trips to Geneva, and I have witnessed personally the extremely hard work that has gone on by our negotiators and their team in Geneva.

I wish to congratulate the chairman of the Foreign Relations Committee for his hard work and others on that committee, the chairman of the Armed Services Committee and the ranking member, and the majority leader, and the Republican leader for their perseverance in making certain that this treaty is considered fully, thoroughly, and expeditiously by the U.S. Senate.

I do commend it to my colleagues. I intend to support ratification and work hard for ratification.

I yield the floor.

CLOTURE MOTION

Mr. BYRD. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Executive Calendar No. 9, Treaty Doc. No. 100-11, the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (The INF Treaty).

Robert C. Byrd, Claiborne Pell, Alan Cranston, Daniel Inouye, Sam Nunn, John C. Stennis, Brock Adams, Harry Reid, J.J. Exon, John Glenn, George J. Mitchell, David L. Boren, Bob Dole, Richard G. Lugar, Alan K. Simpson, Bill Cohen, Jake Garn, Thad Cochran,

Rudy Boschwitz, Strom Thurmond, Dave Durenberger, and John H. Chafee.

Mr. GORE. Madam President, I certainly strongly support the motion that has been made, and I intend to support it wholeheartedly.

Mr. LUGAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, several hours ago, I was in the midst of a speech in connection with an amendment that I proposed to offer at that time. At the request of the distinguished Senator from Ohio, Mr. METZENBAUM, and the distinguished Senator from Minnesota, Mr. DURENBERGER, I yielded the floor to them because the recess of the Senate for the respective party conferences was imminent. I said at that time I would complete my speech, and I shall do so now.

Earlier, I pointed out how this "warhead preservation loophole" will enable the Soviet Union to transfer war heads from old SS-20's scheduled for elimination on to newer, more advanced missiles. Former Secretary of Defense James Schlesinger testified to this effect as did other experts.

For example, The Hon. William Schneider, Jr., testified on February 19, 1988:

The SS-25 is not reached by the terms of the agreement but has important links to the SS-20 system eliminated by the Treaty. The SS-20 and the SS-25 share a first stage indistinguishable from each other. The two systems differ only in range and payload characteristics. The SS-25 can be configured as an effective intermediate-range system through the simple use of thrust termination techniques to give the system variable range. Indeed, the older SS-11 ICBM has had a variable range capability for many years.

Moreover, the continued availability of the SS-20 upper stage guidance and control systems and the multiple warheads for that system allow the Soviets to mate these components to a variable-range SS-25, uncontrolled by the agreement. That is to say, this could permit the circumvention of the intent of the agreement.

Mr. President, Bill Schneider hit the nail on the head. This treaty not only preserves and protects nuclear armaments, it also provides for Soviet nuclear force modernization by allowing the Soviets to transfer warheads from the old missiles covered by this treaty onto newer, more deadly, missiles coming right out of the factory.

Mr. President, this is not what the American people have in mind when they think of arms control. They do not think of preserving Soviet warheads, and allowing the Kremlin to transfer these warheads onto deadlier, newer, and more advanced missiles.

Rather, they think of the destruction of nuclear warheads and a reduction of the nuclear threat. This treaty has been presented and sold to the American people as eliminating warheads. It should be amended to do just that.

AMENDMENT NO. 2115

(Purpose: To prevent circumvention of the proposed Treaty through the device of reloading nuclear warheads on other types of delivery vehicles with ranges less than, equal to, or greater than the ranges of the systems covered by the proposed Treaty)

Mr. HELMS. Madam President, I sent an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2115.

Mr. HELMS. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Article I of the proposed Treaty insert before the period the following:

"; provided, further, that each Party shall in conjunction with elimination of its intermediate-range and shorter-range missiles also eliminate the nuclear warhead devices and their associated guidance elements on such systems and shall not have such warhead devices and associated guidance elements thereafter except that each Party may extract the fissionable material in such warhead devices prior to their elimination. The elimination of warhead devices and their associated guidance elements which is required by this Article shall be accompanied in accordance with procedures and schedules set forth in the Protocols to this Treaty".

Mr. HELMS. Mr. President, it is not just an oversight that the nuclear warheads are preserved under this treaty; certainly not in the minds of the Soviets.

The warhead preservation provision of this treaty is one of the great inequities in the treaty. Specifically, the provision assists the Soviets in their strategic modernization program, while failing to do the same for the United States. Here is how this inequity works:

Some have tried to imply that nuclear materials could not be safely destroyed anyway, and that they would be returned to the stockpile. That is exactly what is going to happen with the U.S. warheads preserved by this treaty.

The United States has no other missile system which can use the Pershing II warheads. Thus, U.S. warheads would have to be dismantled and reprocessed if they are to be used on another missile system.

And I feel compelled to remind my colleagues that the United States does not have any other new missile system even in the planning stage. So, Mr.

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President our warheads; or rather the components of these warheads will be headed into storage facilities.

But while the United States will be putting its INF warheads into storage, the Soviet Union will be putting its INF warheads onto newer and more advanced missiles.

The Soviet Union has always emphasized commonality of components in procurement, using interchangeable parts whenever possible. Thus the SS-20, the SS-16, and the SS-25 all have common or similar components.

Indeed, it should come as no surprise to Senators that, as former Secretary of Defense James Schlesinger reported to our committee, the Soviets can simply rebolt the SS-20 warheads preserved by this treaty onto newer missiles—such as the SS-25.

Mr. President, maybe the Soviets will transfer these SS-20 warheads onto the new SS-25's which are rolling out of the factory day after day. Or maybe the Soviets will transfer these warheads onto other new missiles.

But the ability of Soviets to transfer these warheads onto SS-25's should alarm the Senate, and the American people. For the SS-25 is capable of being aimed at the United States—not just at Europe.

Indeed, this is precisely why some Europeans favor the treaty. They believe it puts the United States on the nuclear frontline. Some Europeans may think that is a great idea, but I doubt many Americans do.

Maybe, Mr. President, some of these SS-20 warheads won't end up on missiles capable of hitting the United States. Rather, maybe the Kremlin will decide to transfer these warheads onto new missiles aimed at thwarting the object and purpose of the INF Treaty.

When the distinguished chairman of the Armed Services Committee, Senator NUNN, appeared before the Foreign Relations Committee, he stated that:

The Soviets could develop and deploy a new type ground-launched ballistic missile replacement for the SS-20, provided that missile were tested one time at a range in excess of 5,500 kilometers, even if it were tested on every subsequent occasion at INF ranges.

Senator NUNN was absolutely right. The artificial definition by range is a major loophole in the treaty. Maybe this is what the Soviets will use the SS-20 warheads for: A new type of missile such as the one described by the Senator; which would essentially be an INF missile.

Indeed, this new type of missile might well be a two-stage version of the SS-25—which, I might point out normally has three stages. Dr. Fred Eimer, Deputy Administrator for Verification at ACDA testified before the committee that the INF Treaty would permit the Soviets to take a two-stage SS-25 out of the portals of the Votkinsk assembly plant.

Dr. Eimer then testified that the Soviets, in the field, could rebolt an ex-

isting SS-20 warhead onto this two-stage SS-25 with only minor adjustments.

So, which will it be, Mr. President? Will the Soviets take their SS-20 warheads and bolt them onto brand new, intercontinental SS-25's, or will they bolt them onto a newer, essentially INF missile, or will they use these warheads for both types of missiles? Only the Kremlin knows.

But the fact is, Mr. President, that this warhead preservation provision enables the Soviets to redeploy their SS-20 warheads onto new missiles, while our Pershing II warheads will be dismantled, and the nuclear material sent to some storage facility to sit on the shelf.

Mr. President, the warhead preservation provision is a glaring loophole in this treaty.

The INF Treaty, therefore, is a treaty to protect nuclear arms, not to reduce them. Indeed, it should be called a "nuclear arms preservation" treaty as opposed to an arms reduction treaty.

The problem with this loophole, Mr. President, is that by maintaining the present level of nuclear arms on each side, it locks in a massive advantage for the Soviet Union.

The treaty preserves 3,136 nuclear warheads for the Soviets, and 931 warheads for the United States. The nuclear warhead preservation ratio is 3.4 to 1 in the Soviet favor.

But the Soviet advantage is even greater than the numbers would suggest. As I have noted previously, the Soviets are going to simply transfer these preserved warheads onto newer and better missiles. On the other hand, the United States is going to dismantle its warheads, and put the nuclear material into storage.

Indeed, Mr. President, the situation is even more astonishing when you look at the ratio of nuclear explosive power preserved by the INF Treaty.

All nuclear warheads are not the same. It just so happens that the Soviet warheads preserved by this treaty are much more powerful than the United States warheads to be preserved by the treaty. For the Soviet Union, the treaty preserves 1,230,000 kilotons of explosive power. For the United States, on the other hand, the treaty preserves only 129,000 kilotons of explosive power.

This works out, Mr. President, to a 12-to-1 advantage for the Soviet Union in nuclear explosive power preserved by this treaty.

But as I noted previously, the ratio actually understates the Soviet advantage, since this Soviet nuclear explosive power will be transferred onto newer missiles, while the United States nuclear explosive power will be sent into storage.

And this, Mr. President, is why this warhead preservation loophole is so important. While the American people have been led to believe that nuclear warheads will be destroyed under this

treaty, the fact is that warheads will be preserved. And they will be preserved in such a fashion so as to assist Soviet strategic nuclear modernization.

Mr. President, this amendment is straight forward. It amends the treaty to reflect what many in the Senate and in the administration have said, that is, that the INF Treaty destroys warheads.

Senators quote opinion polls which suggest that the American public supports this treaty. But, then again, the American public believes that this INF Treaty destroys nuclear warheads.

The amendment before us would merely make current perceptions reality. This amendment destroys warheads. That is what the Senate will be voting on, whether or not the INF Treaty will destroy warheads.

Mr. President, it is a legitimate question to ask why it matters if the superpowers keep their warheads. It matters because the Soviet Union can simply rebolt their INF warheads onto other ballistic missiles, while the United States, because of the design of our missiles cannot rebolt the warheads onto other missiles.

In other words, they keep and reuse their existing warheads while we mothball ours. It is like the Kremlin saying: 3,136 warheads for me, zero warheads for you. It makes me think the tag line for this treaty should be: "Old Soviet warheads never die, they just get retargeted against the United States."

Mr. President, what my amendment seeks to do—besides making current public perceptions that the INF Treaty destroys warheads a reality—is close this rebolting loophole.

Mr. President, there is much about the treaty which is disturbing. But high on the list are: first, we know how the Soviets can keep all their SS-20 warheads; second, we know that their entire ballistic missile force has been designed with this flexibility and versatility such as rebolting in the field in mind; and third, we know that the Soviets have cheated on every single other arms control treaty that we have ever signed with them.

Mr. President, this amendment seeks to eliminate this disparity in the INF Treaty whereby the Soviets will use their strategic modernization program, while our warheads will remain impotent, dismantled, and in mothballs.

In view of the fact that a cloture motion has been filed, I withdraw the amendment, at least temporarily.

The PRESIDING OFFICER. The Senator has the right to withdraw the amendment.

It is the Chair's understanding now that the Senator does wish to withdraw the amendment; is that correct?

Mr. HELMS. That is correct.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment was withdrawn.

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Mr. HELMS. Madam President, I have a brief series of parliamentary inquiries that, with the indulgence of the Chair, I would like to propound, inasmuch as the cloture motion has been filed today.

These inquiries concern proceedings in executive session on a treaty against which a cloture motion has been filed.

First of all, Madam President, after the filing of a cloture motion on a treaty, it is in order, is it not, to file germane and nondilatory first-degree amendments to the treaty before 1 o'clock on the day following the filing of the cloture motion?

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. HELMS. I thank the Chair.

It is in order to file germane and nondilatory second-degree amendments to the first-degree amendments on the day of the vote on cloture and, if so, at what time prior to that vote would such second-degree amendments be required to be filed?

The PRESIDING OFFICER. One hour prior to the vote.

Mr. HELMS. I thank the Chair.

If cloture should be invoked on this treaty, or any treaty, for that matter, would it be in order, after the invocation of cloture, to call up timely filed first-degree and second-degree amendments to the treaty provided the amendments are both germane and nondilatory?

The PRESIDING OFFICER. Provided that the amendments are germane, nondilatory, and properly drafted.

Mr. HELMS. Well, obviously. I thank the Chair.

Would germane amendments thus called up which made substantive changes in the treaty text by striking language from the text, thereby substantively changing its meaning, be considered nondilatory?

The PRESIDING OFFICER. Would the Senator from North Carolina repeat that?

Mr. HELMS. Sure.

The PRESIDING OFFICER. And the Chair would really ask for absolute silence in the Chamber and that doors not to be opened so that we can hear the Senator from North Carolina and give him an accurate response.

Mr. HELMS. I thank the Chair.

My inquiry: Would germane amendments thus called up under the terms just stated by the Chair making substantive changes in the treaty text by striking language from the text, thereby substantively changing its meaning, would these be considered nondilatory?

The PRESIDING OFFICER. If the Senator from North Carolina would withhold. This is of such serious note that the Chair will consult with the Parliamentarian.

Mr. HELMS. I understand, Madam President.

The PRESIDING OFFICER. The Parliamentarian advises the Chair

that the question of being dilatorious really indeed is essentially a judgment call and needs to be done on an amendment-by-amendment basis, essentially, a case-by-case basis, as presented before the Senate. So whoever would offer such an amendment would have to offer it and the Chair would have to rule.

Mr. HELMS. I thank the Chair and I agree with that. I think it is well to get these points laid out before we start.

Would amendments called up after the invocation of cloture which changed numerals in the treaty text of other treaty-related documents before the Senate making substantive changes thereby be considered nondilatory; for example, in the case of the present treaty, an amendment correcting the numbers of Pershing II missiles listed in the memorandum of understanding?

The PRESIDING OFFICER. Once again, the question of dilatory would be on a case-by-case basis.

Mr. HELMS. Let me study about that a minute.

The PRESIDING OFFICER. The Senator from North Carolina, in his example, is still presenting a hypothetical case.

Mr. HELMS. As they say in the courtroom, may I approach the bench and discuss it with the Parliamentarian just a second?

The PRESIDING OFFICER. The Senator from North Carolina continues to have the floor.

Mr. HELMS. I thank the Chair.

Now, if, at the expiration of the 30-hour period provided in rule XXII, there should be pending a germane and nondilatory amendment to the text of the treaty—to the text of the treaty—would that amendment be disposed of or would the Senate proceed immediately at that point to the resolution consenting to ratification, notwithstanding the pendency of the amendment to the treaty?

The PRESIDING OFFICER. The amendment would have to be disposed of.

Mr. HELMS. I am glad to hear that.

Mr. BYRD. Madam President, will the distinguished Senator yield?

Mr. HELMS. Certainly.

Mr. BYRD. I have been interested and carefully listening. I did not get to hear the Chair.

Mr. HELMS. The Chair said the amendments would have to be disposed of.

Mr. BYRD. What amendment?

Mr. HELMS. The pending amendment.

Mr. BYRD. What was the question? Perhaps we can start there.

If the Senator will indulge me.

Mr. HELMS. I am glad to have the distinguished majority leader's expertise. I just want to know something about the road map before we proceed.

Insofar as I know, this is the first time in history cloture has ever been filed on a treaty. I have no argument

with it having been filed, but I just want to have a road map.

Mr. BYRD. Yes, I understand. I was listening carefully to the point. Then I became engaged in conversation. I am interested in what happened after that.

Was there a subsequent question and a subsequent response?

Mr. HELMS. I think the Senator is alluding to the last inquiry.

Mr. BYRD. Yes.

Mr. HELMS. What I asked is if, at the expiration of the 30-hour period provided in rule XXII, there should be pending a germane and nondilatory amendment to the text of the treaty, would that amendment be disposed of, or would the Senate proceed immediately at that point to the resolution consenting to ratification, notwithstanding the pendency of the amendment of the treaty.

The Chair informed me that the amendment would be disposed of.

Mr. BYRD. I thank the Senator.

Mr. HELMS. I thank the majority leader.

When the Senate, Madam President, has the resolution of ratification before it, and all time under the 30-hour period has expired, as previously described in my inquiry, will the Senate be required to act on any committee amendment to the resolution, even if the resolution were to have been reported in the form of original text by the committee?

Mr. BYRD. Will the Senator change his question leaving out the reference to "original text" so that the response will be directed, as will the question, to the actual committee amendment that has been reported to the resolution of ratification? It has not yet been agreed to as original text.

Mr. HELMS. It has not been?

Mr. BYRD. No, the amendment is still pending. It is not at this point considered as original text. If the Senator would not mind revising his question so as to apply directly to this particular committee amendment, which is not yet the original text.

Mr. HELMS. Does the Senator understand, I said in my inquiry that even if the resolution were to have been reported in the form of original text, does that make a difference?

Mr. BYRD. I think it would be helpful to all of us, and I am interested in the Senator's questions and the responses. I think the Senator is rendering a service in having these laid upon the record at this juncture.

If he would not mind, I wish he would propound his question to the resolution reported by the committee, with the committee amendment pending, which has not yet by consent been made original text.

Mr. HELMS. The Senator has a problem with the hypothetical nature of it; is that it? I am willing to do that. Just consider that I dropped the "original text" portion of my inquiry.

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The PRESIDING OFFICER. The Chair will so consider.

Does the Senator from North Carolina wish to rephrase his question?

Mr. HELMS. Sure. When the Senate has the resolution of ratification before it and all time under the 30-hour period has expired, as previously described in my inquiry, will the Senate be required to act on any committee amendment to the resolution?

The PRESIDING OFFICER. The committee amendment would be the pending question before the Senate.

Mr. LUGAR. Will the Senator yield for a question at that point?

Mr. HELMS. Sure.

Mr. LUGAR. Will the Chair clarify, if possible, in the event there were other amendments pending at that time, does the committee amendment supplant an amendment to that as being considered? Or what would be the status of any other amendment being heard at the time of the expiration of the 30 hours?

The PRESIDING OFFICER. To be sure that the Chair understands the question, the Senator from Indiana is asking what is the status of the committee amendment in relationship to any other amendments that might be pending, pending the 30-hour expiration cloture; is that correct?

Mr. LUGAR. The Chair is correct. In less technical language, in the event the committee amendment has not been heard, and another amendment is being debated when the 30 hours come to an end, what is the status of the committee amendment?

The PRESIDING OFFICER. Is the Senator speaking about an amendment to the resolution of ratification?

Mr. LUGAR. The Chair is correct.

The PRESIDING OFFICER. To the resolution of ratification?

Mr. LUGAR. That is correct.

The PRESIDING OFFICER. The committee amendment will take precedence over any amendment pending at that time. It would have to be disposed of before any other amendment could be offered.

Mr. BYRD. Will the distinguished Senator from North Carolina yield?

Mr. HELMS. Yes.

Mr. BYRD. I believe I understood the distinguished Senator to have reference to an amendment that might be pending at the time the 30 hours had expired.

Mr. LUGAR. Yes, that is correct.

Mr. BYRD. And he is talking about an amendment to the resolution of ratification.

Mr. LUGAR. True.

Mr. BYRD. Or dealing with the resolution and not with the treaty.

Mr. LUGAR. Yes.

Mr. BYRD. As I understand it, the committee amendment has to be disposed of, either by unanimous consent, or one way or another—tabling, postponed, or voted up or down. But I believe the Senator referred to “another” or other pending amendments. There could be no other pending

amendments to the resolution. There could be a pending amendment to the committee amendment. No amendments to the resolution are in order until the committee amendment is disposed of.

The committee amendment, in this instance, is an amendment in the first degree. There could be an amendment pending to it.

Now, is that what the Senator is driving at? When the 30 hours have expired, and there is a pending second-degree amendment to the pending committee amendment, and he is asking what happens at that point?

Mr. LUGAR. Yes.

The PRESIDING OFFICER. If the Senator from Indiana will withhold, the Chair concurs with the parliamentary exposition by the majority leader.

Mr. LUGAR. With the indulgence of the Chair, may I ask the distinguished leader, in the event that we have not ever proceeded to the resolution of ratification, I gather the committee amendment to that resolution of ratification would still be the pending business. Would this mean the transition is made and that automatically we get to the resolution in order for the committee amendment to be pending to it?

Mr. BYRD. If there is a pending amendment to the treaty, when the 30 hours have expired, that amendment would be entitled to a vote before going to the resolution of ratification. But there would be many of us who would argue—and this would be a case of first impression if I have understood the Chair—the Senate must first dispose of that amendment to the treaty, but the Senate does not vote on treaties. The Senate votes on resolutions of ratification. So we would then have here a resolution of ratification. It has an amendment pending to it that was voted out by the Committee on Foreign Relations.

Mr. LUGAR. So the logic of that position is that, as the leader has said, we do not vote, the Senate does not vote on treaties and therefore if you come to the end of the 30 hours and you are on something on which you may not vote, logically you must move on to something on which you do vote; namely, the resolution of ratification, which then means the committee amendment is pending and must be disposed of.

Mr. BYRD. Yes. Now, as I say, that is probably going to be without any precedent, in which case someone might make a point of order that under rule XXII, the pending amendment to the treaty was the “pending” amendment about which rule XXII spoke. Consequently, you have disposed of it, and rule XXII does not provide for another pending amendment.

But those of us who would see otherwise, would have to make our argument, and the Chair would rule. Finally, the Senate, I suppose, would make its judgment. I would argue on that

once cloture is invoked, then the business that is clotured is the business before the Senate to the exclusion of all other business until the clotured business is disposed of. What is the clotured business? The Senate does not vote on treaties. But it has to vote on something at that point, and the “something” is the resolution of ratification.

Mr. LUGAR. I understand.

Mr. BYRD. And the question is, what about that committee amendment? It is there and cannot be avoided. It has to be disposed of, one way or another, before the resolution of ratification can be voted on.

Mr. LUGAR. Let me engage the leader in one more question with the indulgence of the Senator.

Mr. HELMS. That is quite all right. I am enjoying it.

Mr. LUGAR. I am an advocate of the treaty, obviously, as is the distinguished majority leader. If a person, an opponent of the treaty, were to listen to our colloquy, could the opponent say a method of defeating the enterprise in which we are engaged is to run the 30 hours out prior to coming to the resolution of ratification and because that never matured or ripened, therefore the Senate could not vote and the enterprise by virtue of cloture fell?

Mr. BYRD. No. That argument would not hold, because rule XXII would require a disposition of that resolution, it being the “business” that was clotured. But to be absolutely sure, the Senator probably should address the Chair and get the opinion of the Chair.

Mr. LUGAR. I now address the Chair.

The PRESIDING OFFICER. The Chair would like to remind the Senator from Indiana that the Senator from North Carolina has the floor.

Mr. LUGAR. Indeed he does, and I appreciate his indulgence. Will the Senator allow me to—

Mr. HELMS. Certainly. Certainly.

Mr. LUGAR. Make this inquiry which I suspect is for the good of the order as we proceed in all of this.

Mr. HELMS. The Senator can proceed. I think we all need to understand what the roadmap is saying.

Mr. LUGAR. In the event that the 30 hours under cloture should expire, in the event cloture was invoked and the Senate had not at that point moved to the resolution of ratification and thus the Senate defectively did not have the proper resolution on which it would normally work its will, in the event we are agreed we do not vote on the treaty itself, would the entire debate terminate without a vote on the resolution of ratification and thus the enterprise fail?

The PRESIDING OFFICER. Debate would terminate but there would have to be a vote on the resolution of ratification.

Mr. LUGAR. I thank the Chair.

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Mr. HELMS. So I gather that any debate on the committee amendment would not be in order; is that correct?

The PRESIDING OFFICER. If the Senator will repeat his question. The Chair is in transition.

Mr. HELMS. I must say the successor to the distinguished lady is not nearly as attractive as she.

I was simply asking if debate would be in order, Mr. President, on the committee amendment at the point we were just discussing?

The PRESIDING OFFICER (Mr. SIMON). Once the 30 hours had expired, debate would not be in order on any subject.

Mr. HELMS. I thank the Chair. Would the committee amendment be subject to a second-degree amendment, presuming it was germane, nondilatory, timely filed, properly drafted, et cetera, et cetera? This does not involve debate, but could there be an amendment to it without debate an amendment voted on?

The PRESIDING OFFICER. An amendment could not be offered after the 30 hours had expired. However, an amendment could be pending at that time and that could be voted upon.

Mr. HELMS. Right. So unless pending, no amendment would be in order after the disposition of the committee amendment even if it were germane, nondilatory, timely filed, properly drafted, et cetera?

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. HELMS. I thank the Chair.

At that point, and it is not all that hypothetical because we are going to reach that sooner or later, at that point would the question be, shall the Senate advise and consent to the ratification of the proposed treaty subject to the committee amendment, if adopted, and to any amendment to the text of the treaty previously adopted prior to proceeding on the resolution of ratification?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. All right. That is a pretty good roadmap thus far.

Now, a few days ago, I propounded several inquiries and in reviewing the record just to be clear in my own mind, I would like to resolve some matters that to me at least were left unresolved in that the Chair, as I recall it, asked for additional time for study. Accordingly, I would like to, I guess the word is repropound those inquiries and in addition make a few other inquiries of the Chair, the answers to which would be helpful to me and perhaps to other Senators.

First, last week the Chair will recall that I asked if the Senate did not have possession of the authenticated document referred to as "An Agreement Among the United States of America and the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands and the United Kingdom of

Great Britain and Northern Ireland Regarding Inspections Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles." This the name of it.

Is the Chair prepared to advise at this time whether it has possession of that authenticated document?

The PRESIDING OFFICER. That document has been submitted to the Senate for its information.

Mr. HELMS. That is good.

You have an authenticated document but not the original; is that correct?

The PRESIDING OFFICER. The Chair's assumption is it is probably not—

Mr. HELMS. It does not make any difference. I just wanted to know.

The PRESIDING OFFICER. The Chair frankly is not in a position to really answer the question of the Senator from North Carolina.

Mr. HELMS. If the Chair will promise to lose no sleep over it tonight, I promise I will not. I thank the Chair.

Since the Senate has possession of the document, whether original or authenticated, cannot the Senate offer amendments thereto and either consent or withhold consent to its ratification since it is obviously a multilateral treaty which the Constitution requires the President submit to the Senate for approval?

The PRESIDING OFFICER. The document has not been submitted to the Senate for its advice and consent. I am advised by the Parliamentarian that amendments would not be in order.

Mr. HELMS. Frankly, I was a little surprised. I thought the Chair probably would rule that the Senate cannot act on the document unless it has possession of the original which I take it is down at the National Archives; is that correct?

The PRESIDING OFFICER. The Chair is not in a position to answer the question of the Senator from North Carolina.

Mr. HELMS. We would have to have the original before we could act on it. Is that correct?

The PRESIDING OFFICER. Before the Senate can act on the treaty, I am advised that the Senate must be in possession of the original document, and there would be requests for ratification by the Senate.

Mr. HELMS. So any Senator could move that the Sergeant at Arms be instructed to retrieve the original papers, whether they are at the National Archives or anywhere else. Is that correct?

The PRESIDING OFFICER. A Senator can move to do anything. The Chair at that point would have to rule—

Mr. HELMS. Would I be out of order? It is not a frivolous question.

Mr. BYRD. Mr. President, Senators cannot "move to do anything." There are many motions that are not in order. Senators often "move the amendment." There is no such motion in the Senate. I am just giving an example. Senators often say, "Mr. President, I move the adoption of the resolution." That motion is not in order. It might be in the House, but it is not a proper motion here.

The Chair is not required to put that motion and it never does.

Mr. HELMS. Let me direct a question to the majority leader through the Chair. How would he propose to get the original papers, Mr. President?

Mr. BYRD addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I think the Senate acts on this and any other treaty in good faith. The treaty was submitted to the Senate by the appropriate authority under the administration which made this treaty. It bears certain stamps, I assume. And I think it would be an inappropriate question and really be considered to be dilatory—I say this most respectfully—if a Senator raised a question about this treaty as to whether or not it is the treaty it is purported to be.

Mr. HELMS. We may revisit that. We have 30 hours at least, maybe more.

After the filing of the cloture petition on a treaty—and as I indicated earlier, this to my knowledge is the first time the Senate has ever experienced that, and I do not disagree—it is in order to file germane and nondilatory first-degree amendments to the treaty before 1 o'clock on the day following the filing of the cloture petition. That is correct, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I believe we covered the other point. I believe that about does it, Mr. President. I thank the Chair.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, my reference a moment ago—I believe I used the word "stamps" or "stamp." I had reference to the seals. I take it the seals were for the signatories, Mr. Gorbachev, Mr. Reagan; whoever the signatories were. The seals of the governments are there.

I do not know that the Senate has ever gone behind what a given administration sends up, and represents to be a treaty that was entered into by the appropriate officials of governments, the President being the individual under our Constitution who has the "power by and with the advice and consent of the Senate, to make treaties."

I don't believe the Senate has ever gone behind that constitutional phrase to inquire as to whether a doc-

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ument purported to be a treaty is indeed the genuine treaty which was entered into by the President of the United States and the head of another government. The fact that it has been submitted to the Senate by the President is sufficient on its face.

Mr. President, I hope that it would be possible to get unanimous consent that the Senate go to the resolution of ratification, and to consider all amendments to the treaty as having been disposed of, so that we could close out the treaty and begin calling up amendments to the resolution of ratification.

I understood the distinguished Senator from North Carolina to say that he had another amendment or additional amendments to the treaty, in which case perhaps we could enter into an agreement that would allow that amendment or those amendments to still be called up but would also allow the Senate to go on to the resolution of ratification. I merely pose that rhetorical hope, and I would be happy to yield to the distinguished Senator who is the leader on the other side of the aisle or to the able Senator from North Carolina.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, I yield the floor.

Mr. DOLE. Mr. President, before I address that last suggestion—I think it would be a good one—I wanted to follow on with the one parliamentary inquiry, following one of the questions of the Senator from Indiana, Senator LUGAR. If you invoke cloture on the treaty, and you use the 30 postcloture hours on the text, do you vote on the resolution of ratification immediately? Does it still lay over for 1 day?

The PRESIDING OFFICER. Under the cloture rule, a 1-day layover would not be required.

Mr. DOLE. I thank the Chair.

Mr. President, addressing the suggestion of the majority leader, I hope we might work out some agreement. I would be happy if the three of us would visit in the majority leader's office at any time convenient with him and if it is all right with the Senator from North Carolina. In any event, I think that is a good suggestion. Otherwise, amendments obviously can still be offered, and I assume would be offered.

It would also be my hope that we would vote on cloture before Thursday, if that is possible, so that we could avoid an all-night session. Unless there is some overriding reason to have an all-night session that I have not thought of, we could discuss how to avoid that and still complete action, whatever that action may be, up or down or whatever, between now and late Friday or some time Saturday.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, during the earlier inquiries of the Chair, I think I said that I did not recall that any previous treaty or proposed treaty—I do not recall exactly how I put it—had ever had a cloture motion filed in connection with consideration of it. Every day I learn never to say “never.”

Somebody raised a question of the Versailles Treaty proposed. I am looking at the World Almanac. It says:

At the Versailles conference (Jan.-June 1919) and in subsequent negotiations and local wars (Russian-Polish War 1920), the map of Europe was redrawn with a nod to U.S. Pres. Wilson's principle of self-determination. Austria and Hungary were separated and much of their land was given to Yugoslavia (formerly Serbia). Romania, Italy, and the newly independent Poland and Czechoslovakia. Germany lost territory in the West, North, and East, while Finland and the Baltic states were detached from Russia. Turkey lost nearly all its Arab lands to British-sponsored Arab states or to direct French and British rule.

A huge reparations burden and partial demilitarization were imposed on Germany. Wilson obtained approval for a League of Nations, but the U.S. Senate refused to allow the U.S. to join.

In consideration of that treaty, cloture was filed and one of the insistences of President Wilson was that not one jot or tittle of that treaty should be changed, much the same as we have experienced with respect to the INF.

Cloture was imposed, but the Senate refused to ratify it in the case of the Versailles Treaty. So I want to make that correction as to my memory.

So there was a least one previous instance where a proposed treaty did experience a filing of a cloture motion.

Having made that correction, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I think we took the INF Treaty up on, I guess it was, Tuesday of last week. So today, I guess, makes the seventh day that we have been on this treaty.

I have watched and listened as carefully as I could. Though I am an unabashed supporter of the treaty, I was anxious to hear any new thoughts that might be expressed on the floor.

I want to say that this debate, it seems to me, is not about, obviously, whether the Senate is going to ap-

prove the treaty or not. We are going to approve it. We will, as the Constitution requires, advise and consent to the ratification of the treaty and we will adopt a resolution of ratification. It is only a question of how many votes.

In my opinion, incidentally, I said 3 or 4 months ago I thought the treaty would get 80 votes. I now agree with the distinguished minority leader. I think it will get 90 votes. It makes you wonder why we are spending all this time on it.

It really is not a question of whether we approve it before the summit to accommodate the President. So far as I know, this is a fairly bipartisan body on this treaty. I think every Democrat, with the possible exception of one, will support it. The votes against it will, unhappily, be from the President's party. The debate is not over whether the treaty is in our national security interests.

You must sometimes ask yourself: Why have we spent 7 days laboring over this treaty if it is against our national security interest? But to suggest that it is not in our interest is to suggest that the President, the head of every country that belongs to NATO, every past and present Secretary of Defense, the Joint Chiefs of Staff, big majorities of the Armed Services Committee, the Foreign Relations Committee, and the Intelligence Committee, and 75 percent of the American people—to suggest that this is not a good treaty is to suggest that all of those people have taken leave of their collective senses.

No, this debate is about whether those whose lives are totally dedicated to a continuing drumbeat of anti-Soviet rhetoric, who want no agreement under any circumstances that would bring this nuclear arms race under control, it is so they can lay the groundwork—not to defeat this treaty, because this treaty is going to be approved—but whether or not they can sow enough suspicion and doubt in the minds of the people of America to make certain that the next treaty, the START Treaty, where the real ball game is, is never approved and ratified, and, secondly, to make sure that SDI stays on track.

I am reluctant to use such harsh terms, but it seems to me like nuclear idolatry. The anti-Soviet ideologists will never go gently into a real arms reduction no matter what.

Anybody that is opposed to this treaty will never support an arms control treaty. And I must say, this body will never have submitted to it again, ever—in my lifetime or the next—a treaty that is so patently in our favor.

The other night the President—I say the other night—I guess it has been about a month or 2 ago now, the President, in a remarkably candid interview said: It seems to me that some people feel that this nuclear exchange between the United States and the

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Soviet Union must be fought, the war must be fought; that it is inevitable.

While I enthusiastically support this treaty, I can hardly be that enthusiastic about it because it does not do very much. It reduces about 4 percent of the total nuclear arsenal on both sides.

Is it not ironic that we have, since December 8—when Secretary Gorbachev visited this country and he and President Reagan stood before the national audience on television and signed this treaty—since that December 8 day in which everybody in the country was exhilarated on our side, the United States has added more nuclear warheads to its strategic arsenals than we will reduce in the next 3 years after this treaty is ratified. And by the anniversary date of that December 8—namely, this coming December 8—we will add another 430 nuclear warheads.

So you can see that by ratifying this treaty or by the Senate's approving this treaty, we are not doing very much in bringing the nuclear arms race under control.

I am enthusiastic about this treaty for most of the same reasons others hate it. I am enthusiastic about it because we are eliminating a whole class of weapons, which has never been done before. They are going to be literally destroyed. The Soviets, for example, wanted to hold out a few SS-20's to be aimed at Asia. We said no, and they yielded. Both sides gave up on ground-launched cruise missiles of all kinds, because you cannot determine whether one is nuclear-tipped or conventional.

I happen to disagree with the Senator from South Carolina. I think that was a step in the right direction. And I think Secretary Carlucci, when he wrote a letter over here, I guess it was to Senator Nunn, said, "I promise you it is in our long-range best interest to eliminate all ground-launched cruise missiles in Europe, because if we do not, the Soviet Union will start building thousands."

I am for it, because it does what 3 years ago would have been absolutely unthinkable, even to President Reagan, in my opinion, and that is permit on-site verification.

I am for it because, as you know, we did not have to impose our views on the French and the British and they get to keep their strategic nuclear forces.

I am for it, among other reasons, because it allows for a 6-month withdrawal period, just as the ABM Treaty does. If the Soviets cheat as badly as some in this body would have you believe, all the next President has to do is say, "Enough is enough. We are withdrawing."

I am for it, because you can give notice that you want to inspect and you can inspect; there is a lot of inspection provided for, inspection procedures provided for.

I am for it, because I believe in the START Treaty, where the real ball game is and, if we are really serious about arms control, that is where we are going to find it. And I think the INF Treaty is a small step for mankind. It builds some confidence. If these on-site verification procedures work, it will make it a lot easier to get the START Treaty.

Well, I could go on. There are a host of reasons why I favor the treaty. But let me digress for just a moment and ask my colleagues in this body: How would you like to defend this treaty to the Members of the Central Committee of the Soviet Union?

I ask you, transport yourself to the Soviet Union and suddenly make yourself a member of the Central Committee and somebody asks you, maybe Ligachev. Ligachev says: "What in the world are we doing? We are giving up twice as many launchers and systems as the United States. We are giving up four times as many warheads. Mr. Secretary, have you taken leave of your senses?"

And some other hardliner speaks and says, "Well, there is one nice thing about it. Now we can run roughshod over Europe. Taking out all these intermediate nuclear missiles in Europe leaves them defenseless and you know we have always had the superiority in conventional weaponry. So now Europe is ours for the asking."

Question in the Central Committee: If that is so, why did we not overrun Europe in 1976 when we had 590 SS-4's and SS-5's and they had none and we still had the same kind of conventional superiority then that we have now? If that is our goal, why did we not do it then?

Answer: I will have to get back to you on that, you would say to the hardliner.

And what is this business about the French and the British keeping all their weapons? The hardliner would ask you. Well, they are keeping their weapons and in addition to that, after we pass this treaty, the United States, counting bombs on bombers in easy reach of the Soviet Union, will have at least 2,900 nuclear weapons still left available for use in Europe: artillery shells, mines, F-4's that are nuclear wired, two aircraft carriers in the Mediterranean with A-6's and A-7's, all nuclear tipped, F-111's, over 100 in England, all available to attack the Soviet Union. And if push comes to shove, the U.S. can send those 250 B-52's they have equipped with nuclear weapons, cruise missiles, plus all their strategic weapons.

The hardliner would say, surely you do not think that we have a good treaty here when we leave them with all that firepower? Answer: yes, but you know, the United States and Britain and France would never use nuclear weapons in a conventional war.

You see, the argument here always is that the reason we must match the Soviet Union in conventional weapon-

ry is because we would never dare use these weapons that we are spending hundreds of billions of dollars to build and maintain. That is the proposition the Senate is going to be debating this fall on the defense appropriation bill and that is increasing our conventional weaponry so we can meet the Soviet toe-to-toe because we believe that if they invade Western Europe, if we start getting mauled, that we will not have the courage to use a nuclear device.

So the questioner on the Central Committee says: Well, that is all true but I think Europe must be defenseless after this treaty because I have heard so many U.S. Senators say they would be defenseless.

Day before yesterday, I heard Georgi Arbatov, the Soviet head of the United States-Canada Institute say to the right wing in America: You are going to fall on hard times because we are going to remove the Soviet Union as your enemy. I know Georgi Arbatov, we spent some time with him, and he is a very charming gentleman. But he is so naive to suggest that somehow or other the Soviet Union is going to pull out of Afghanistan; agree to a reduction of 50 percent of their weapons; get their feet off of their people and improve their human rights record; and even tear down the Berlin Wall and offer to unilaterally disarm every single nuclear weapon you have and let the Washington Post and the New York Times editorial boards watch you.

That will not slow down the anti-Soviet ideologies in this country one iota. The nuclear idolaters will never accept any treaty that does anything except permit us to fan the arms race. There is a lot of money in it. There is a lot of money in weapons.

If Senator BUMPERS from Arkansas were the only person saying this, it would be one thing. But Dwight Eisenhower, as I read this morning, who had five stars on his shoulders, said it.

I read this morning that somebody who had been a lieutenant or a major—or maybe a lieutenant colonel, they might really be suckered in or impressed when a two- or three-star general walks in. But General Eisenhower with five stars did not have to listen to anybody. He had been there. And he was the one who talked about the military-industrial complex.

I was almost amused the other day when somebody offered an amendment that said this treaty could not become operative until the President certified to the Senate that the Soviet Union was in compliance with the SALT II Treaty. That really is ironic because it is the United States that has trashed the SALT II Treaty. The most important feature of the SALT II Treaty is that neither side will have more than 1,320 MIRV'd systems and as I stand before you today the Soviet Union has about 1,270, 50 less than they are permitted, and the United

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States has about 1,337; 17 above what they are permitted. Just another little killer amendment.

Sunday morning's Post had a remarkable interview with Secretary Gorbachev. You know, you have to be naive to assume that Secretary Gorbachev is simply a nice guy with a quick answer. You do not get to be General Secretary of the Communist Party in the Soviet Union by being Mr. Nice Guy. And yet we have been waiting for 70 years for all the old Bolsheviks to die off and the Soviet Union to produce a new breed of leader and this morning in the op-ed pages of the Washington Post, now an assistant editor who used to be the Post's correspondent to Moscow, who has written books on the Soviet Union, said: Here is a new leader. He has got a plateful. He cannot totally let up on human rights right now; cannot promise that the Soviet Army would not go into Budapest again; cannot promise that the Poles can have all the freedom they want. But the first thing he did was to say we are getting out of Afghanistan. That was no small act of courage.

Here is a man who says that if we spend 20 to 25 percent of our gross national product on defense and weapons, we will never fulfill our commitment to our people for a quality life. So Gorbachev said in this interview in the Washington Post: What sense does it make for us to sign a treaty on the one hand limiting the number of nuclear weapons on Earth and turn right around and escalate this arms race into space, the only nuclear-free area in the universe?

Is that statement not irrefutable? Can anybody argue with the logic and common sense of such a statement? The only possible reason for SDI is that we would do it first. Nobody here can seriously believe that this is a technology which only we will possess. We build a shield in the sky and nobody else would ever be able to emulate it. Nonsense.

We have a bomb. They have a bomb. We carry the bomb on airplanes. They carry the bomb on airplanes. We have a little intermediate-range missile and we deploy them in Turkey and they attempt to do the same thing shortly thereafter in Cuba.

Then we developed our big land-based missiles that would fly all the way to the Soviet Union with a nuclear warhead on it, and it took them about 3 or 4 years to do the same thing. Maybe less.

Then we started putting them on submarines. We said, "Boy, we have them now." Within 6 or 7 years they had them on their submarines.

And when the SALT I agreement was being negotiated, a very prominent Senator in this body sent word that if you give up MIRV'd missiles, he will personally see that that agreement never goes into effect. MIRVing missiles, putting more than one warhead on an ICBM. We have them now. They will never be able to do that.

And the Russians in the SALT I negotiations said: Let us not start that. Let us not put more than one warhead on a missile. That is just going to force us to do the same thing.

We were not having any of that. So that was taken off the table and do you know how long it took the Soviet Union to start MIRVing their missiles when we did? Five years.

Somehow or the other, according to Robert McFarlane's testimony before the House Armed Services Committee last Wednesday, he said SDI just happened by inertia. The Joint Chiefs came in and told the President that something along the lines of limited ballistic defense might be in order. Just because of inertia and a bunch of people with no direction, the next thing you know, we are appropriating \$13 billion, over six times what it cost to build the Manhattan project.

I might say that once this President leaves office, in my opinion, we will sign some kind of a new agreement with the Soviet Union. We also have an Antiballistic Missile Treaty with them. Incidentally, if we do not agree with that treaty, it has a withdrawal provision. Why do we not just withdraw? Why do we want this broader interpretation? It is not politically acceptable, that is why.

If you believe that the French had the right idea when they built the Maginot line, you will love SDI. Hitler went around it, he went over it, and he went everywhere in the world that nobody thought was possible. To suggest that we would deploy SDI and that the Soviet Union somehow or another is going to be intimidated by our superiority is palpable nonsense. History shows the history of the arms race.

We cannot dictate to the Soviet Union, whether or not Gorbachev survives, and we should not try. Bob Kaiser says in the Post he is a new kind of leader. Secretary Shultz says he is a new kind of leader. Secretary Shultz says when he sits down to talk to Gorbachev and Shevardnadze, there is all the difference in the world in talking to them and their predecessors.

So I say he has his detractors, and if they win and Gorbachev is deposed, that cannot, under any possible scenario, work to the benefit of the United States. It will only mean one thing: His future is tied to becoming a hardliner or being deposed, in which case he will be deposed by a hardliner, and the arms race will be off and running again.

Whether we like it or not, his future is tied to how well we respond to some of the offers he makes. If he gets nothing in return for his efforts to give up four times as many warheads as we are giving up, and all he hears is evil empire rhetoric in return, he is going to have to get awfully tough.

One of our staunchest NATO allies who will bear the brunt of an invasion by the Soviet Union in Europe is West

Germany. They not only realize that Gorbachev is a different cut, but last week issued a letter of credit for \$2.3 billion to the Soviet Union. When the Soviet Union later on is deciding who they are going to buy grain from, whatever, or electronics, there is not any question that Germany will be the first country they will contact.

I divinely hope that President Reagan can complete a START Treaty before he leaves office because I know and you know that if Michael Dukakis is elected President of the United States and he submits a START Treaty to this body, it will not receive the same level of bipartisan support that this treaty has, not because it would not be as good, not because it would not even be better, but I have been around here long enough to know the players. I have been around here and heard all this rhetoric for almost 14 years.

I will say this: This treaty is going to be approved, but if it were not, it would mean there is no point in ever submitting START Treaty here because there will never be a treaty as unequal as this one is, as unequal in favor of the United States. I hope President Reagan gets a START Treaty and submits it, and I hope we have some time to debate it, if not approve it, before he leaves office.

I was a country trial lawyer before I was a Governor or Senator. There was one thing I learned, and that was when to settle a lawsuit, when to say yes. I can tell you, the time now on this treaty has come to say yes.

Let me just close, Mr. President, by saying that it is, indeed, true, and it cannot be repeated often enough. Einstein said after the first atomic bomb went off, everything has changed except man's thinking.

For the first time in my life, I believe man's thinking is glacially changing. I did not believe that 5 years ago, but I believe it now. I believe that I detect a new attitude about arms control and trying to give our children a chance to grow to adulthood. We have enough problems.

If we do not do it to ourselves with a nuclear war exchange, you have the ozone layer being depleted, you have the greenhouse effect with the Earth's temperature warming up. Sometimes people say, "Well, after all, we had an Ice Age. The planet has heated up before."

That is a nice thought. It just so happens that the planet is heating up right now at a 100 times faster rate than it did following the Ice Age. Scientists feel absolutely certain that the carbon dioxide we are throwing into the atmosphere, the methane is going to cause a 4- to 5-degree climb in the average annual temperature of the climate. The scenarios of what happens then are just endless, but they are all devastating; too ominous to contemplate.

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Here we have a chance with the INF Treaty to take one little small step in doing something sane and rational. I am pleased to get my name in the CONGRESSIONAL RECORD saying I enthusiastically support this because I believe strongly in my children's future. I can do no less, nor can the rest of this body.

Atticus Finch said in "To Kill a Mockingbird," when he was talking to the jury, "For God's sake, men, do your duty." It is a good time to do it and we have wasted too much time already.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, the action which the majority leader of the Senate has taken to enter a cloture motion today is a very significant decision on his part, and I believe it is justified. It represents a proper and a timely action to bring the Senate to what I think is getting close to being an overdue decision on the INF Treaty.

Mr. President, today's events are both historic and illustrative of two constitutional features which make this body unique. First, the Senate alone has the responsibility to give its advice and consent to treaties; the House of Representatives has no role.

The fact that this important power was entrusted to the Senate, where Members serve for 6-year terms—and in the original constitutional system, were not even directly elected—indicates the desire of the framers of the Constitution to have the Senate's business conducted in an atmosphere of relative isolation from political pressure.

A second unique feature of the Senate, is the right of unlimited debate and amendment which each Senator enjoys. The desire of the framers was to provide the Representatives of a single State, or even a single Senator, the opportunity to present a minority point of view, and in effect force the majority to deal with those strong objections.

The House of Representatives, with its larger membership, has a much more inflexible parliamentary structure which to a large degree is determined by the will of the majority party.

Over the decades, the Senate has developed rule XXII, which is designed to "bring debate to a close." Cloture, as it is called, however, is somewhat of a misnomer. Rule XXII does not close debate, but it does impose new limits on debate which deny Senators those

basic rights of unlimited debate and amendment.

As rule XXII is currently designed, the Senate can only do so by the supermajority of three-fifths of those "duly chosen and sworn"—in other words, 60 votes. The purpose of rule XXII, as it has evolved over the course of this century, has been to provide a means for the majority of Senators to do its will, the objections of the minority notwithstanding.

I believe that it is entirely appropriate—and I have stood on both sides of this kind of issue—and in the best traditions of this body, for the Senate to invoke cloture on this treaty at this time. That is why I was one of 22 Senators to sign the cloture motion submitted earlier today. The Senate has been asked to give its advice and consent to an agreement which was submitted to us on January 25 of this year.

Extensive hearings have been held, exhaustive discussions conducted and several issues debated, apparently to the satisfaction of all but a handful of Senators. There can be little doubt of this fact, given the kind of debate and the nature of amendments we have had before us during the last several days.

I do not possess the ability to discern the hearts and minds of those Senators who are offering amendments, and making long speeches about incidental matters on this treaty, but it certainly looks to this Senator that their objective is obvious: to delay Senate action on this treaty until after the upcoming summit.

Mr. President, the Senate has a job to do. This Senator sees it as an urgent and momentous undertaking for this body. The Senate rules provide us with a tool for getting it done, rule XXII. I hope my colleagues will stop and consider what is at stake here today. This is not your run-of-the-mill rollcall, but one of those few votes we cast in an entire career, which have truly historic ramifications.

We must invoke cloture on this treaty. Once we have done so, we can and should use every available minute of the 30 hours available under the rules, to debate the treaty and to consider amendments. But then we should do what we were sent here to do: make a decision, one way or the other.

I think the President of the United States, who has provided such exemplary leadership on this issue, deserves that much. I believe our Constitution and our Oath of Office requires no less.

I am informed that the last time cloture was entered on a treaty was in 1919 during consideration of the Treaty of Versailles. The Treaty of Versailles, ending World War I, consisted of 440 articles, including major changes in the map of Europe, and the famous "war guilt" clause blaming Germany for the war.

Debate by this body, however, centered on the Versailles provision on

the covenant of the League of Nations. President Woodrow Wilson signed the Treaty of Versailles as a strong supporter of the League of Nations.

But the U.S. Senate, fearing the kind of foreign entanglements George Washington warned about in his Farewell Address, refused to consent to ratification of the Versailles treaty mainly because of objections to U.S. participation in the League of Nations.

Cloture was entered in 1919 but treaty opponents still prevailed and Senate consent was denied. We need not enter into an extensive discussion of the history of the 1920's and 1930's today to recognize that a historic opportunity was lost in 1919. The shortcomings of the League of Nations became apparent in the 1930's—but they were not the shortcomings cited by Senate opponents of the Versailles Treaty.

Rejection of the Versailles Treaty was symbolic of the American refusal to be engaged on the world stage. And most would agree that American isolationism in the following years did not serve America—or the world—very well.

Mr. President, though we have not invoked cloture on a treaty in nearly 70 years, I will vote for cloture on this treaty. President Reagan leaves for an unprecedented fourth summit meeting tomorrow. United States-Soviet relations are at a historic crossroads—the potential for progress in a number of areas is great.

Before that summit begins this weekend, this body should consent to ratification of the INF Treaty. It may be true that the inability to exchange instruments of ratification would not be disastrous to the summit. But why fail to consent to ratification? All amendments to the INF Treaty text have been overwhelmingly rejected.

With one exception, treaty opponents have had difficulty in gaining 10 votes. Why should a small minority of this body deprive the vast majority of its will—ratification of the INF Treaty before the summit?

Mr. President, there are serious issues that deserve consideration during our debate on the resolution of ratification, including treaty interpretation and U.S. arms control compliance policy. If the Senate does not have a full chance to consider these issues in a postcloture situation, it is because we have spent too much time overwhelmingly rejecting killer amendments to the text of the treaty.

I wish that it were not necessary to take the momentous step of invoking cloture. Perhaps a solution can still be worked out. But if it cannot, I urge my colleagues to vote for cloture so we can implement the will of the vast majority of this body.

Mr. LUGAR. Mr. President, I join my distinguished colleague from Minnesota, first of all, as one of the signatories of the cloture motion; but, like-

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wise, in the general spirit of his comments, that filing a cloture motion on a treaty is a regrettable step, although in this case I believe a very important and necessary step.

As the Chair knows from the discussion earlier today on parliamentary procedure, there are uncharted waters that come. Some of the questions are of first impression and are not definitive as to what will occur in the consideration of the treaty under cloture.

I have suggested, as have many throughout the day, that a better course for the Senate, if possible, would be to reach a unanimous-consent agreement in which all Senators would have an idea of the test of amendments prior to the time they were considered. All Senators would have an idea of the extent of time for debate, in order that important arguments might be made.

This treaty is very serious business with regard to our country and our relationship with the Soviet Union. It seems to me that it requires the very best efforts we have to look carefully at language and to understand, as carefully as we can, listening to each other, the implications of what we are doing.

The net effect of what has occurred and what the Senator from Minnesota has well described is that, under the cloture situation, Senators may be faced with the predicament that they are unable to amend, to the degree they would wish to do so, the treaty or the amendments to the resolution of ratification. Senators could find themselves locked into positions inadvertently, due to the fact that the second-degree amendments have not been filed in a timely way, as Senators know they must be, an hour before the vote is taken, if it is successful, or by 1 o'clock on the day after the filing of the cloture motion, which would be 1 o'clock tomorrow.

Frequently, in the flow of debate, corrective measures are taken, as Senators appreciate that mistakes are about to be made. The cloture situation precludes the degree of flexibility that that implies—at the very time that we are dealing with substantial matters of our Nation in which the flexibility probably ought to be there to the finest degree.

So, Mr. President, it seems to me that the Senator from Minnesota has put his finger upon a very important problem for the body.

What happens hypothetically if 90 of us or 92 of us or maybe even more than that believe that a treaty ought to be ratified and at the same time have within that majority of 92 every right, every determination to try to perfect our work so that the treaty that we finally vote on or more properly the resolution of ratification is the best we can do, but the 90 or 92 are blocked out from that consideration by a smaller number of Senators who are exercising their rights fully under the rules and even writing new

rules in the process as we go into uncharted ground, and in the course of exercising their rights make deliberations of this body inflexible and leaves the wisdom we might have expressed less likely to be forthcoming?

I think it is a very serious issue not only for this treaty but for the general deliberations of the body and any treaties in the future that we might consider.

I am so hopeful even at this late date, and I know the distinguished majority leader and the Republican leader have been conferring with Senators to ask at least for some basic consideration for the good of the country, for the good of the product of our work, that we should not be forced into a cloture situation, that we should have an opportunity at least to rationally list amendments that still might come before us and to set aside time for proper debate of those amendments, and we do have adequate time to do that.

If we are forced into the 30-hour discipline of cloture we shall all have 30 hours of debate but in a constricted way.

Let me add this final thought: There has been considerable discussion here and many of the parliamentary points went to the issue of the so-called committee amendment, the one dealing with reinterpretation of the treaty. This is of great importance to the Senators because of constitutional implications, the idea of how the Senate relates to the President and the precedents that it might set with regard to treaties in the future.

It is apparent at least from the initial colloquy and inquiries of the Chair that the committee amendment in one form or another is going to be voted upon or disposed of, I think the Chair more properly said.

This I think poses a very special obligation for those dealing with that particular amendment.

If we are in a position in which that amendment is pending at the end of the trail, at the end of the 30 hours, and there is no possibility of correcting it at that point, I would hope that prior to our coming to that stage, those Senators who have an interest in this would have an opportunity to modify it, to correct it, to perfect it, so that it is the very best product because it would be a lasting one and conceivably could not be amended at that point.

I stress this aspect of it because I suspect that many Senators were under the impression that through parliamentary procedure, the committee amendment might not be voted upon. But I hear loud and clear the Chair saying the committee amendment will be voted upon and it is very important what that committee amendment is at that point. It may not be possible to discuss it widely, to amend it, to suggest other forms of it.

Whether Senators are satisfied or dissatisfied on either side of the aisle

at that time, I am sure that is not the only amendment that may have predicaments down the trail. The purpose of my taking the floor at this time is simply to alert Senators that in the event they have amendments or second-degree amendments, they need to be thinking ahead about the cloture procedures, the timeliness of filing those, and the possibility of ever seeing debate on any of them.

Theoretically if we were to move from this current position for 30 hours and never get to the resolution of ratification, the Chair has ruled, as I understand it, that the logic of the predicament would be that since the Senate cannot vote on the treaty itself, we must move to the resolution of ratification and the movement to that makes the pending amendment the committee amendment and, therefore, a vote must occur on it prior to a vote on the resolution of ratification.

That is an awesome sequence, and it means if we were to go through that scenario all other amendments would not be debated at all and there would be no votes on those amendments.

We may, I suppose, hypothetically come into another scenario in which sometime in the 30 hours we come to the resolution of ratification and then the other amendments come up, we do not know in what sequence and who will have the floor, and these are all good reasons for pondering the entire cloture process.

Having raised all that I still come out, as does the distinguished Senator from Minnesota, that I think our leader and the majority leader have no choice.

We have been now for a week in a posture in which it has been impossible to move beyond the treaty. Amendments have been offered. They have all been rejected, as the Senator from Minnesota said, by large votes, and I think for good reason.

Many of the amendments came to this Senator literally on their way up to the desk. The possibility of consideration of a serious treaty matter was denied most of us.

And I would just submit, Mr. President, with no disrespect to any Senator, it is time for us to take time out for a second and consider what is responsible conduct when we have a serious treaty ahead of us. I would suggest that that means defining debate, seeing the text of amendments, not asking staff to race around and try to find the proper materials so that a relevant record can be made.

In addition to the action we take, the record of what we say is important. It may offer some guidance, some precedent in itself.

So I come down, as I say, on the side of my friend from Minnesota. I thank him for raising the whole situation.

But I would also advocate that if the cloture vote comes, we must vote for cloture because responsibly we must

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work our will and have ratification of the treaty as soon as possible.

I thank the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Indiana.

Mr. QUAYLE. Mr. President, I think the die is cast. There is no doubt that the treaty will be approved for ratification and will be done this week and in time for the summit.

But I think the Senate should also recognize that we have gotten ourselves into a little bit of an awkward position. We are in an awkward position because we are now up against a deadline, even though we have said we are not going to rush to meet any artificial deadline. I think many have not attempted to do that and the treaties have been debated in committees at least for 4½ months. But here we are now having to rush.

Certainly, we must recognize that when we do have these deadlines, despite all the protestations to the contrary that we do, that there are all sorts of incentives to delay, to try to get beyond that deadline for whatever reason.

Now we find ourselves in an awkward position. I do not fault the majority leader nor our leader for filing cloture because they want to conclude the treaty before the summit.

But we are at a situation where there is no turning back, a situation in which the discussion of a number of very serious issues will probably not take place. I think that is unfortunate. I do not know what kind of debate we will have on the so-called interpretation amendment. I hope it is vigorous.

What kind of debate would we have had if we did not have the deadline, did not have the summit? Say the summit was going to take place in August and the treaty was being debated now.

I do not know that we would still be in the awkward situation we now find ourselves.

I think we would have had a much better debate. We could get into not only interpretation amendments, but the category III reservation on the futuristics that I understand will be offered and probably adopted. There should be a very thorough discussion on how we arrived at the treaty's definition of "weapon" and what that definition does and does not include.

I think there is still time to try to get some debate on that, but I am not sure how much debate we are going to get.

Article XIV, the so-called noncircumvention issue, one that was hashed out thoroughly in the Senate Foreign Relations Committee and very much in our committee, is something that ought to be discussed to make sure we have a clear understanding on the floor of the Senate of what this means and not just the Senators on those couple committees, but the entire Senate.

This is the first arms control agreement we have had on the floor of the

Senate since 1972. It has been 16 years since we had an arms control agreement on the floor of the Senate.

I think when you get these treaties, we should try to do the very best we can under the time constraints that we find ourselves in. On many of the issues, there is still some time to discuss. I wanted to get into some of the lessons learned in INF and what we should not carry forward on START. I hope and think that we should reserve our option on the conventional Cruise missiles. I believe we have to do a lot more in verification under a START regime. I would like to spell that out and see where the Senate is, whether it would be through a declaration. I do not know whether I will have that opportunity or whether the time will permit me to get any kind of debate on it.

There may be declarations that could be confined to 10 minutes, 5 minutes, depending on whether they would be accepted or not accepted.

I find it, as I said, awkward, not that we have a whole lot of choices, because we do not. There are very few. I certainly understand that. We have to try to make the best of it.

But I also anticipated and hoped that we could have gotten a very thorough discussion. I know my senior colleague from Indiana is very involved in the idea of where NATO should or should not be going. I read his book, "Letters to the Next President." He talks about NATO and what we should be doing in the future. This would have been a grand opportunity to have that kind of discussion and debate, whether it be through declarations or just have a discussion on the floor. I would have been very interested to see him express his ideas on the floor and discuss them with me and others. I think that would have been useful.

I do not think we are going to have that time and opportunity now. I think that is unfortunate. I think the Senate will be the loser.

There are a host of issues that could have been discussed. I think that there will probably be some that will be discussed. I know Senator HOLLINGS has an amendment I feel very strongly about, because I think it is a mistake to ban the conventional cruise missiles and to allow the banning of all conventional futuristics. We are going to have a debate, but it will be an abbreviated debate. In fact, we are still on the treaty, in a technical sense. I do not know when we are going to get to the Resolution of Ratification.

I just lament that we have this self-imposed deadline. I think it is going to abbreviate the debate and the substance of these issues that should have been discussed.

We do not get many treaties before the floor of the Senate. As I said, it has been 16 years. I just hope that when we go back and we look at what we have done—and there is a lot of interesting things about the process—that we might learn one important

lesson: that when you get backed up against a deadline—and we all know what the rules and we can always use them to our advantage, which is certainly within our rights—that we better understand that this is not a very good way to conduct what I think is an important debate on a substantive issue. I would much preferred to have done it differently, but we have to take things as we find them.

We find ourselves now with the summit coming up and we have to pass the treaty by the summit. I think that is the desire of a huge majority.

It has been stated by some that perhaps this interpretation amendment is more important than the treaty—that the interpretation amendment is more important than the treaty—and yet it is possible that we will have zero debate on the actual amendment itself—zero debate. It is possible. I hope not, but it is possible, because we could stay on this treaty. As the Senator from Indiana pointed out, if we go beyond the 30 hours, that committee amendment will come up and it will be voted on. I suppose a motion to table would be in order. If it is not tabled, it is voted upon and we either have it or do not have it. We could have no debate on what some have alleged is more important than the treaty itself. That is the awkward spot this Senate has gotten itself into.

As one who has spent considerable time on this issue and on this particular treaty, I accept this. But I hope, whenever the next treaty comes before the Senate, that we might be on notice that when we know these deadlines are out there and we push our debate right up against the deadline, that we are going to diminish the substance of the debate.

Now, perhaps that is indicative of the treaty. Some say, "Well, this treaty is a good treaty, but only a small step forward." I have heard that said; that it is only reducing 3 or 4 percent of the nuclear weapons in the world; it is just a marginal step forward.

Then, on the other hand, they say: "But, we are a strong supporter of this unprecedented treaty."

I am not exactly sure whether it is a small step forward or unprecedented. Many people are saying, "Let's just get on with it." We will get on with it. I believe, as we do get on with it as we are, though, that we are going to dispense with a lot of needed debate. But that has happened around here.

I have commented from time to time on the lack of quality of debate in this body, not just on this issue. But there is not good debate, a lot of times.

In fact, I heard just recently a couple of very distinguished Senators making opening statements. We are making opening statements on the treaty at the time cloture has been filed. As I said, I am not faulting the majority leader or the minority leader because, to be able to pass this this

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week before the summit, they had to do that, or something to that effect; either that or get a unanimous consent agreement. But here we have opening statements being made on the treaty and you have cloture being filed.

So I hope that it is recorded, Mr. President, that we are and have gotten ourselves into what I consider a very awkward position, an awkward position and I think Senators and the Senate itself has rushed to judgment in the approach it has taken to complete action on this treaty.

I think we are probably taking quite a bit away from what could have been some very qualitative discussion on a lot of issues that relate to this INF Treaty.

As my senior colleague from Indiana pointed out, the amendments thus far have been rejected quite overwhelmingly. Although, I must say, that one of the amendments, the Wallop amendment, I thought could have been accepted. I did not view that as any kind of a killer amendment. But it was rejected as well.

Hopefully, sooner rather than later, we can get to the resolution of ratification, call up the Hollings amendment, get on with the interpretation amendment, and get on with some other debate, because we are probably going to do this in 2, 2½ days of actual debate on issues that are very, very related to this treaty—2½ days to be able to get it concluded, I am sure, by Friday, hopefully at a reasonable hour in time for the Memorial Day break and also in time for the summit.

I just take this opportunity to point out where the Senate is and where it has come from. As I said, there are no good choices at this late date.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, in view of the fact, as we have all been relating to the Chair in the last few minutes, the debate is going to be limited, it is just as well to take advantage of these few moments in the absence of other Senators for a debate which we might have had and may still have.

Earlier in the day the distinguished Senator from North Carolina offered an amendment and then he withdrew the amendment. That, I suspect, gives him the privilege of qualifying the amendment on a postcloture situation as opposed to debating it today on the treaty. But it is an interesting amendment because it brings forward arguments that we heard in the Foreign Relations Committee at some length.

The distinguished Senator from North Carolina was pointing out, as

have other Senators, that many members of the public are shocked that no warheads are going to be destroyed in the INF Treaty.

In fact, if one is not very careful in defining words in the arguments, each one of us are almost bound to lapse into the use of the word "warhead" because it is a simple way of trying to express what is going to be destroyed.

The Senator from North Carolina was technically correct in that the warheads in terms all of their components, including the fissionable material, will not be destroyed in the field for good reason and the Senator from North Carolina accepted the fact that fissionable material would be withdrawn by the Soviets and ourselves, in part because of safety reasons. It is not easily disposable in the field; and second for other reasons that I want to relate in just a moment because the Senator at that time suggested that the Soviets might use this material in other warheads and in other armaments and therefore we could see it coming back at us in another form, having not gotten rid of it at that stage.

The Senator's amendment technically did not deal with fissionable material but rather with the guidance systems that would be taken out from the warheads. Soviets would take away their guidance systems, we would take away ours. The gist of the Senator's amendment is that those guidance systems should be destroyed because, his argument was, you could fit one warhead on top of another launcher situation and have another missile coming at you that you had not anticipated if you had not destroyed all of it.

I want to relate from the report of the Senate Foreign Relations Committee some thoughts about at least the findings of the committee as we discussed this item on many occasions. I quote from page 58 of the report under "Warheads Versus Missiles."

During the Committee's initial hearings, much media attention focused on several Senators' expressed concerns that, while the Treaty provides for the dismantlement of missiles, it does not require destruction of the associated nuclear warheads. The failure of Administration witnesses to provide a prompt and effective explanation allowed this issue to gain notoriety.

Having assessed the matter, most Members concluded that eliminating a particular delivery system is sufficient to eliminate the threat posed by weapons delivered by that system. But there are, in addition, three reasons why the Treaty, in eliminating certain delivery systems, does not stipulate destruction of the associated warheads:

First, the United States did not wish the Treaty to provide for warhead elimination since any arrangements necessary for verification of warhead destruction would have allowed Soviet inspectors to learn details of advanced American technology which the Administration quite rightly did not want conveyed to the Soviets.

Second, even if warhead destruction arrangement could be agreed upon, the elimination of specified numbers of warheads would prove nothing with regard to the warhead stockpile of a party, even of the types

theoretically being eliminated, since warhead inventories are simply not verifiable in any event. It is this fact which has led to the arms control efforts to eliminate launchers and missiles rather than warheads.

Third, any agreement involving the disposal of fissionable material while both sides are manufacturing these materials and intend to continue to do so would have been particularly counterproductive for the United States, which is in shorter supply of such material than the Soviet Union. Furthermore, this would exacerbate environmental problems surrounding the disposal of nuclear materials.

Thus while it is true that the warheads will not be eliminated under the terms of the INF Treaty, it bears emphasis that the guiding purpose of the treaty, it bears emphasis that the guiding purpose of the treaty was not to eliminate nuclear weapons per se—that is a much longer term goal—but to eliminate certain kinds of politically significant nuclear missiles, i.e., accurate land-based missiles with ranges between 500 and 5,500 kilometers.

All told, allegations that there was a problem because no warheads would be eliminated proved to be thoroughly unpersuasive, and most Committee Members were undecided only as to whether it constituted a "red herring" or a "crimson whale."

I mentioned this, Mr. President, because I suspect that those who are watching this debate around the country would need to know of the objectives of our country, and they include the recapture of this fissionable material. It is in short supply. The Soviets have more. And, therefore, to argue that somehow we were in self-destructive activity in allowing the Soviets to recover this for themselves I think is to argue against the unassailable facts that it is our short supply and not theirs.

And, second, we did not want the Soviets taking a look at the technology that is a part of our guidance systems. I would say correspondingly they were insistent that we not look at theirs either.

To destroy that technology in the field implies not only that people are looking at it from both countries, but they are intimately involved in its destruction and have a very good idea of the principles involved. I simply will not go beyond that in terms of the classification of the situation because it is important that this technology be guarded. That is the reason that we do not want it destroyed in the field. We want it withdrawn under our own auspices.

Finally, Mr. President, the basic commonsense situation comes down to the fact that bullets, if they were to lie here on the table today, correspond in a way to warheads in relationship to a gun that fires the bullet and a missile launcher with regard to the missile with the warhead on it that finally is fired at the enemy.

In short, we have had arguments already about SS-20 missiles that might be out in the woods, disattached from the launchers, from the crews, from the servicing and what have you. And Members have pointed out and the

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We can learn a great deal about Japanese politics and policy formulation, Mr. President, as we seek to understand this most difficult subject. My research, including the paper of Chalmers Johnson and the public testimony of Prof. Nathaniel Thayer, leads me to believe that there are at least two basic rules which all of us must follow if we are to be successful in influencing Japanese policymaking: First, we must learn more about the inner workings of the PARC and of the various ministries which are responsive to the PARC, including jurisdictional limitations and something of the history and background which influences that particular ministry, and second, we must establish a thorough understanding of the role of the LDP within the Diet. Without following these rules, our efforts to understand the many problems which confront us with respect to Japanese policymaking in the defense and trade areas will be fruitless.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now go into executive session to resume consideration of Executive Calendar Order No. 9, which the clerk will now report.

The bill clerk read as follows:

Treaty Document 100-11, treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The Senate resumed consideration of the treaty.

Pending: Helms amendment No. 2112, to make technical corrections in section II of the memorandum of understanding.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

AMENDMENT NO. 2112

Mr. HELMS. I thank the Chair.

Mr. President, I presume that the distinguished Senator from Indiana is on his way here. When we parted Friday, there was an understanding that consideration would be given to five technical amendments which I offered early Friday afternoon and then withdrew because of a curious set of circumstances. When I presented the copies of the five amendments to the managers on both sides, or to the staffs thereof, the first indication was that there would be no problem because each of the amendments related to gross technical errors in the treaty.

I simply took the position that I could not believe that the U.S. Senate would deliberately and premeditatedly approve and ratify a treaty which was acknowledged to be flawed even by the United States Department of State.

So I offered the amendments, and then the circumstance developed whereby aides rushed in with a sheet of paper and gave it to the managers, and their verdict was that they could not accept the amendments. So I withdrew them.

Then later in the afternoon, as the Chair may recall, I offered the first of the five technical amendments again, and that is the pending business.

So, on the hunch that Senator LUGAR may be willing to reach some sort of accommodation on it, since he is not here as yet, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be permitted to speak for 12 minutes as if in legislative session or in morning business.

Mr. BYRD. Why does the Senator not ask unanimous consent that he speak as if in legislative session and out of order.

Mr. LEAHY. Mr. President, I make that request and thank the majority leader.

The ACTING PRESIDENT pro tempore. Is there objection to the request? Hearing none, it is so ordered.

THE ADMINISTRATION'S PROBLEM IN PANAMA

Mr. LEAHY. Mr. President, there has been a great deal of discussion during the past few days on the matters presently before us on the INF Treaty. I would like very much, of course, for President Reagan to be able to have the treaty ratified before he goes to Moscow.

But, Mr. President, that is not what I wish to speak about today. I am concerned, that the administration is still

trying to make a deal with General Noriega.

I must ask, Mr. President, and I hope all Senators would ask, if one of the reasons we are having so much trouble with General Noriega is because key figures in the administration have, for years, paid General Noriega huge sums of money, if press accounts are accurate; that they have dealt with him because he helped them out with Contra activity, Contra activity that might not have passed muster here. And, in fact, the Drug Enforcement Agency, I am led to believe, has turned a blind eye to what General Noriega has done because of his support for this administration. That is the question we should ask.

Mr. President, I almost have to wonder if, at the White House, they have not received a cabled message from General Noriega saying: "Well, gentleman, I would like to go but I wonder if I can talk to my book publisher on the way out."

They have a worried brow when they hear him say, book publisher.

What might that be about, General Noriega?

And he would say, Well I would like to talk about the members of the Reagan administration who have dealt with me in the past. Those members of the administration who knew what I was doing in drug dealing.

Those members of the administration who knew what I was doing to subvert any kind of democracy in Panama, but were willing to ignore it for two reasons: One, because I helped them with the Contras when they could not get the Congress to allow it, and two, because I would turn over some drug dealers to them, which certainly helped with statistics and headlines in the war against drugs.

I would suggest, Mr. President, that it is not just because the policy has been badly handled in dealing with General Noriega and Panama but that there may be another reason why, perhaps, all the pressure that might have been brought to bear has not been brought, and that is because too many people in the administration who have dealt with him are afraid of what he might say.

Mr. President, while I am on the subject of the Contras, I welcomed the signing of a ceasefire agreement 2 months ago. In accord with that agreement, Congress approved \$34 million in genuine humanitarian aid, halt for the Contras, half for children injured in the war, plus \$10 million to monitor compliance. That legislation is very specific. The aid is to be delivered only through neutral organizations and administered consistent with the Sapoa ceasefire agreement. That means that the aid will only be delivered to Contras in ceasefire zones inside Nicaragua.

Many of us voted for that aid because we felt that if administered according to law, it would give the Con-

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tras incentive to negotiate a settlement while making clear to their leadership that there will be no more military assistance from the United States. But I am increasingly concerned that the law is not being followed.

The Agency for International Development has already started delivering aid directly to the Contras in Honduras, even though the law says it must be by neutral organizations to Contras gathered in ceasefire zones inside Nicaragua.

Already more than 300 tons of food and clothing have been delivered in Honduras. That clothing, incidentally, is military uniforms; 80,000 pounds of food have been airdropped by a company that until 3 months ago has been giving military aid to the Contras. Certainly not a neutral delivery system.

Aid has given the Contra leadership cash. Three hundred and thirty thousand dollars a month has already been given to Contra families in Miami, Tegucigalpa, and Costa Rica. How is that consistent with the law? I do not think any body here voted to give money to Contra fat-cats in Miami. That is not what was intended, but that is what has happened.

An additional undisclosed amount, reported in the press as much as \$450,000 a month in cordobas, is being given to individual Contras in Nicaragua. How can we verify how that money is being spent?

Over and over we have seen this administration try to byass the law, even laws they negotiated with the Congress, even laws the administration gave lip service to when they passed the Congress. If it concerns with Central America, we have to assume that the law will be twisted or ignored. Black is not black, it might be white; 2 and 2 may well not equal four. That is what is happening here.

I think that is why we have the problem we are having with General Noriega. I think that is why we have the problems we have with Honduras, and now with other parts of Central America. The administration has been willing to ignore whatever might be the law, whatever might be the policy decisions made within their own administration, of the Congress. I deplore recent actions by the Nicaragua Government, to subvert dissent within their own country. It is not my purpose here to defend them. But the fact is the U.S. Government ought to abide by its own laws. It has become painfully clear that still is not happening in Central America.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VIETNAMESE MOTOR PUMPS DEMONSTRATE APPROPRIATE DEVELOPMENT TECHNOLOGY

Mr. PRESSLER. Mr. President, last month I spoke to our distinguished colleagues about a successful U.S. development project that occurred during the 1960's in Vietnam. The project involved distribution of about 500,000 small motor pumps in South Vietnam. During my April visit to Vietnam, I was amazed to see some of these old pumps still in operation and to learn they have been taken to other areas of Vietnam. They are used for irrigation.

I cited this as an example of a fairly modest, relatively low-cost development program working much better and producing longer lasting results than the more massive costly projects.

Recently, I received some additional information on the motor pump distribution program in Vietnam.

According to a letter sent to me by Barbara Crossette, a journalist with the New York Times who provides excellent coverage of Vietnam and other areas of Southeast Asia and who accompanied me during my April visit to Vietnam, the French word for Kohler has entered the Vietnamese language as a generic term for motor pumps.

She further reports that many of the pumps that were distributed in South Vietnam in the 1960's later were taken to the central highlands in North Vietnam following the fall of Saigon.

Indeed, the discovery that the word Kohler had been absorbed into the Vietnamese language came when she and her assistant, Mrs. Hao, were looking through some Vietnamese contemporary literature, some plays and short stories that had been written about the government and the intellectual ferment that is occurring in South Vietnam.

In some of the short stories, the word Kohler has come to mean a 2 or 3 horsepower waterpump used for both irrigation, for pumping water out of the well, and also for driving a sampan, a small Vietnamese boat.

Mr. President, all of this is testimony to the powerfulness of the small and seemingly insignificant. Indeed, the United States did carryout many grandiose projects in Vietnam. There were projects to build huge buildings and to start industries. There was a CORDS Program to revitalize the economy through massive injections of money and other things into the Vietnamese economy.

Strangely enough, a small economic development project remains visible there. I saw some of the Kohler pumps still working. I think there is a lesson in this as we try to help other countries: Sometimes small is beautiful. Sometimes the small economic development projects, a loan of \$500 to a fisherman to improve his boat or a motor pump project or something of that sort, has a much longer term economic impact on a country than some of these grandiose projects, such as building an airport, or a paper mill or something of that sort which is abandoned later on or maybe competes with some of our own industries.

Mr. President, the livelihood of many Vietnamese was affected and is still being affected by the very small Kohler and other motor pumps. They still affect many lives in Vietnam. This is especially important to note in the context of the current food shortage in Vietnam.

In the words of the scholar, Ernest F. Schumacher, small is beautiful in terms of economic growth and development. Shoemaker's landmark work, "Small Is Beautiful, Economics As If People Mattered", inspired many to consider more innovative development strategies that would fit more realistically with the actual conditions prevalent in most of the developing nations.

Instead of taking a high-technology capital-intensive approach to development, he argued that developmental strategies or programs should employ a labor-intensive intermediate technology approach. The basis of Schumacher's thesis was that developing nations, such as India, possessed little capital but a wealth of labor. Expensive and sophisticated high-technology short-cuts to development would not work in such situations. It is better, he wrote, to put into the hands of rural villagers, farmers, or peasants technology of a simpler kind that would have an immediate or lasting impact on their livelihood and well-being.

Since the publication of Schumacher's book in 1973, the trend toward smaller scale development projects has escalated rapidly. There is less emphasis today in U.S. development programs on the large projects, such as airports and steel plants, that seem to have predominated in the 1950's and early 1960's. This is a credit not only to Schumacher but also the thousands of dedicated development economists, theorists, and program administrators, as well as domestic groups and associations, such as Bread for the World, Results, and others.

The World Bank still emphasizes the large-scale projects, such as irrigation works, but even it has shifted many of its resources to projects that are of immediate benefit to the poorest of the poor in developing countries.

Mr. President, recently I had a chance to listen to former President Jimmy Carter who now has a foundation and is working on economic devel-

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opment in Africa. As I understand his project from a speech he gave recently, his group initiates relatively modest economic development projects. It helps people get started helping themselves. The result is not grandiose, but may be considered by some economic planners as small.

It makes a permanent economic development contribution to a country in Africa. I do not think we are paying enough attention to Africa, but I was heartened to hear of a former President of the United States working and focusing on these projects. I believe such efforts fall within Schumacher's small is beautiful thesis.

Mr. President, in conclusion, targeting smaller scale lower technology assistance to the poorest members of developed nations seems to work best and have the most permanent effect.

Assistance for big projects is needed, but in this era of budgetary restraint it might be preferable to emphasize smaller, more appropriate technology that offers desirable assistance at a more modest cost.

I yield the floor.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. HARKIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from North Carolina numbered 2112 is the pending question before the Senate at this time.

Mr. HELMS. I thank the Chair.

Mr. President, on Friday, I mentioned a number of times the intent and purpose of the pending amendment. If we could review the bidding, early Friday afternoon I offered this amendment along with four other technical corrections amendments which I offered to the managers of the bill to be considered en bloc. I did so because it did not occur to me there would be any question about the Senate preferring to act on a treaty that in statement of fact and statistics and figures would be as nearly correct as possible. I simply do not feel, speaking as one Senator, that the Senator should deliberately and knowingly propose to ratify a treaty that the Senate is aware and has been officially advised is massively incorrect in terms of the implications of the errors made by the negotiators at the State Department.

Now we have the anomaly that the State Department acknowledges that the figures on various weaponry are incorrect, and the State Department has submitted "corrections" to these figures, and now the State Depart-

ment even proposes to correct the corrections, which may tell us something about the dangers of rushing pell-mell into a treaty meeting certain deadlines established by the stars or whatever.

Now, this Senator feels that we should not abdicate as Senators our constitutional responsibility to have the treaty correct and not rely upon and add to any precedent that may exist whereby the State Department and the Soviet Union can exchange notes or whatever to establish a new set of figures not contained in the treaty itself. It is just as simple as that.

So the pending amendment is intended merely to correct an officially acknowledged mistake in the text of the memorandum of understanding. As I said earlier, it is similar in nature to four other amendments I attempted to have adopted en bloc this past Friday because I could see no valid reason why the managers would not accept the amendments. And after all, these amendments are based upon Department of State corrections of clear errors. Everybody acknowledges that.

Now, I have thought there would be no controversy about the five amendments, of which the pending amendment is one and only one. I withdrew the five amendments. And I resubmitted the first of the five which is now the pending amendment.

As I say, I believe the managers are concerned about the fact that the State Department now wishes even to correct its corrections. But I will let Senators PELL and LUGAR speak to that question.

I would say that there are about 40 other errors which must be correct, 40 errors that I happen to know about at this time. There are probably far more than that. Again, I would emphasize that we have lost any exactitude in the consideration of this treaty because of the haste with which it was negotiated and signed by the President of the United States.

I hope we will understand the difficulties and the frustrations of the managers of the bill. But the work of the Senate, you see, Mr. President, is being held up by the State Department and its continuing inability to get its act together and do things correctly and to tell the Senate where the mistakes are and exactly what corrections must be made in the text.

Senator LUGAR was good enough to share with me earlier some information that he will shortly present for the RECORD. And I will not go into that.

But the point is that we call the pending amendment and the other four which I submitted Friday technical amendments. But in fact they are substantive amendments, and far more important in terms of their total implications than just mere technical amendments. For example, the pending amendment involves a counting error of no less than eight Pershing II missiles. Well, you say, well what is a

Pershing II missile or two? What difference does it make? It makes a heck of a lot of difference because no one can claim that 400 kilotons of nuclear explosive power is just a small matter. 400 kilotons of nuclear explosive power—that is what is reflected in this one error—is equivalent to about 16 Hiroshimas.

So that is not a minor error. And I think the Senate under its constitutional authority, responsibility, and duty has an obligation to make this treaty as nearly accurate as may be possible. Certainly, we should not go into the business of proposing to ratify a treaty by tacking on some addendum provided by the State Department in terms of notes, and that sort of thing, exchanged with the Soviet Union, unless they are an integral part of the treaty.

So I am hopeful that the managers will yet accept the amendment. I do not hold any great hopes in that regard. But as I said, different strokes for different folks. I just happen to feel that we have a constitutional responsibility that does not include allowing a peripheral activity by the U.S. State Department to define the terms of what the final treaty as ratified, when ratified, and if ratified is supposed to mean. We are supposed to know what it means. We have a duty to find out if we do not know. And certainly, when we find out that the treaty is seriously, if not fatally, flawed we have a duty as I say to correct it.

I will suggest that it be made original text for the purpose of further amendment if there are more corrections. But before we get into that sort of legislative parliamentary procedures imposing discipline, I prefer to hear from the managers of the bill.

I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the Senator for his lucid explanation of the situation that we found ourselves in on Friday, and we come back to the situation again today.

Mr. President, let me attempt to interpret the situation as I see it. The Senator from North Carolina offered on Friday five amendments that purported to be corrections to the text of the treaty. He in fact, as he has pointed out, withdrew those amendments and has submitted the first of them as an amendment No. 2112. And that is the pending business before the Senate.

As the distinguished Senator from North Carolina points out, that amendment would strike out the numerals 170, 170, and 175 under the column headed "U.S.A." and insert respectively in lieu thereof the numerals 178, 178, and 182, these being counts that the United States was taking of inventory.

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Mr. President, let me state for the RECORD, and I did not understand this situation until the Senator rose, that by eliminating the other five amendments and reverting back to this one, we are dealing with this one. The Senator has pointed out it might be used as original text for other amendments of corrections that need to be made to the treaty. But I would point out, at least to my understanding, to the Senator from North Carolina, that, in fact, in this particular instance of this amendment 2112, the numerals 170, 170, and 175, which appear in the treaty are correct. We have examined the five amendments that the Senator offered on Friday. And as I gather it, the first and the third amendments on Friday were in fact correct in the treaty. Amendments 2, 4, and 5 required changes.

I mention this not to confound the Senator but simply to indicate that specifically with the amendment in front of us now it would obviously be a mistake to adopt the amendment because the treaty as it stands is correct.

Let me also make a point for the RECORD that if we had adopted this amendment on Friday, we would have made an error. We would have in fact amended the treaty and inserted incorrect figures. This Senator argued on Friday that consideration of this issue was premature, because in fact both the United States and the Soviet Union were in the process of attempting to exchange letters that to the very best of the negotiators' abilities on both sides finally bring all of the technical corrections into some agreement. And for the sake of the RECORD, Mr. President, I shall attempt to recite my understanding of what has occurred over the weekend.

Over this past weekend, United States and the Soviet representatives completed the exchanges of notes that are required to make the needed technical and typographical corrections in the INF protocols and the MOU, the memorandum of understanding.

One set of notes was exchanged in Vienna with respect to the site diagrams in the MOU; another set was exchanged in Moscow with respect to the protocols and the MOU data.

The texts of these notes—including unofficial translations of the Russian texts—have been cabled to the State Department, and the original texts of the notes are being hand-carried to Washington. The State Department is awaiting their arrival.

If Senators wish to review the content of these notes now, the State Department has prepared unofficial texts based on the cabled versions. (Copies attached.) However, the State Department points out that until the original texts are received, and official translations of the Russian texts completed, the Department cannot guarantee that these unofficial texts are error-free. This should all be completed by tomorrow, or Wednesday at the latest. The complete official package will

then be transmitted to the Senate, and will supersede corrections previously published.

In addition, the two sides have also exchanged updated photographs of the SS-20 front section, and the SS-4, SS-12, and SS-23 missiles with their front sections, as well as the U.S. PIA and PII. Since we already have photographs of the SS-20 without its front section, we now have a complete set of photographs for the SS-20.

Mr. President, with all these facts in mind, I have conferred with the distinguished Senator from North Carolina both on the floor publicly on Friday and privately again this morning suggesting that in my judgement the prudent course would be to incorporate these letters that are to be exchanged with the Soviet Union in some form in the resolution or ratification.

I made the argument on Friday that it would appear that other agreements entered into with the Soviet Union with regard to verification, with regard to the futuristic weapons issue, may very well be incorporated in the exchange of letters and confirmation of that in the resolution of ratification.

It seemed to me that the Senator from North Carolina has an absolutely valid point that we ought to clear up precisely the numbers on both sides and the details that he and others have suggested, and indeed the Senator from North Carolina is also correct that in addition to the attempts that he made on Friday with the INF amendments that were offered there are additional corrections that are covered by the letters now being exchanged that I have mentioned in this earlier statement.

For all of these reasons, it still appears to this Senator that we should not amend the basic text of the treaty.

The Senator from North Carolina argues, as I understand it, that we should. That I think is an honest disagreement as to how we ought to proceed.

I would urge the distinguished Senator from North Carolina to withdraw this amendment and others that come into this technical interpretation phase and to be prepared to work with this Senator, the distinguished chairman of the Foreign Relations Committee, and other Senators, at the time we come to the resolution of ratification because I think we will all be in agreement that corrections need to be made need to be shown clearly and adopted by the Senate.

But I would urge that we not do so at this point on the text of the treaty.

I would say with all respect to the distinguished Senator in the event that he wishes to press this amendment I will offer a tabling motion at an appropriate time so that the issue can be resolved and we can move on to the next one.

I would prefer not to take that activity because I have agreed in this statement and my statement Friday the

point the Senator makes is of considerable validity and the disagreement I think comes now simply as to where the changes are to be made and at what point in this debate.

With those thoughts, Mr. President, I wait additional word from my colleague from North Carolina.

Mr. HELMS. Mr. President, let me thank the Senator from Indiana because he has confirmed everything I have said.

If he will examine the corrigendum which is included in the document which is given each Senator, if he will look at one, it reads, for instance, one in the Memorandum of Understanding, MOU, section 2, paragraph 2, page 10, concerning shorter range missiles and launchers for the United States, the number of nondeployed missiles should read 171, which tracks the amendment that I have at the desk exactly; also the aggregate number of deployed and nondeployed missiles should read 178, which also tracks; the aggregate number of secondary stages should read 182.

The Senator has confirmed what I said, that the State Department now wishes to correct its corrections, which is fine with me, just so we get the treaty correct.

Mr. President, let me confer for just a moment with the distinguished Senator.

Mr. President, thank you for the intermission.

I am a little puzzled and I say this in all friendliness to my good friend from Indiana, that he has insisted that any such correction be made in the resolution of ratification even to the point that he says that he will move to table.

Let me read a cable from the Embassy of the United States of America in Moscow, No. MFA/130/88.

It says:

The Embassy of the United States of America presents its compliments of the Minister of Foreign Affairs of the Union of Soviet Socialist Republics and has the honor to refer to the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles with the Memorandum of Understanding and Protocol (the treaty). Signed Washington, December 8, 1987.

Next paragraph:

The Embassy proposes that the corrections set forth in the attachment to this note be made in the text of the treaty.

And that is what I am saying.

Then the paragraph goes further to say:

The Embassy further proposes that this note and Ministry note in reply accepting the corrections shall constitute a correction of the text of the treaty.

That is all I am saying, that we ought to do the job here.

I will make a proposition to the Senator from Indiana and the able chairman of the Foreign Relations Committee, Mr. PELL, predicated on my belief that we ought to have the treaty as

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nearly accurate as possible and maybe the State Department will have a further correction to its correction to the correction, which suits me fine, just so they and we end up getting it right.

So I propose that since there is this uncertainty about how many more corrections to the corrections to the corrections that they have, that I withdraw this amendment temporarily so we can try to get a bead on this moving target and go on to something else. But, at least, we have unanimous acknowledgment, I take it, that the treaty as it now stands is in error and in serious error in terms of kilotonnage and other aspects.

So, with that in mind and in emphasis on my desire to cooperate with the managers of the bill, I withdraw this amendment, and shall move, on to another one unless they have some other business they prefer to bring up.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

The amendment is withdrawn.

Mr. LUGAR. Mr. President, let me express my appreciation to the distinguished Senator from North Carolina for withdrawing the amendment on the basis that he has stated.

The Senator is correct, that obvious corrections are occurring. They are substantial and they are numerous. To pin down how many there will be and how many amendments will be required to correct them, it would be hard to ascertain.

As a matter of common sense and comity, I think the Senator is right in his action. I pledge to work with him so that by the time we complete what I hope will be the ratification of the INF Treaty, all of these things are settled down with some exactitude as they need to be in responsible legislation.

Mr. HELMS. That is the most encouraging statement I have heard yet. I thank the Senator.

Mr. PELL. Mr. President, I just wanted to add my words to those of the Senator from Indiana to express my appreciation to the Senator from North Carolina and to share his belief that this is a problem that is going to have to be resolved. It is not a question of if it will be resolved, because it will be. It is just a question of when and in what form. We seem to be reaching a consensus here and I am delighted.

Mr. HELMS. Could I ask the chairman one question?

Mr. PELL. I will do my best.

Mr. HELMS. All that remains is the question of whether corrections shall be made in the text of the treaty, which is what I have insisted upon, or otherwise. Now, can somebody who has more rapport with the State Department than I do find out what they really mean? Obviously, they are sending signals to you, Senator PELL, and to Senator LUGAR, saying we want this on the resolution of ratification, when

the Embassy says it ought to be on the treaty.

Maybe they can circle the wagons down there in Foggy Bottom and decide what they want to do about this.

Mr. PELL. My understanding was the desired course was to put it on the resolution of ratification. But, as you point out, it mentions there the treaty. I will have to consult our lawyers. As you know, lawyers are hired to say whatever you ask them to say.

Mr. HELMS. I thank the Senator. We will work it out.

Mr. LUGAR. Will the Senator yield?

Mr. PELL. Yes.

Mr. LUGAR. To try to clarify this cable, the distinguished Senator from North Carolina has stated correctly that the Embassy proposes the corrections set forth in attachment to this note be made to the text of the treaty.

Then, the next sentence is:

The Embassy further proposes that this note, and the Ministry's note in reply accepting the corrections, shall constitute a text of the Treaty.

So, in essence, the Embassy, perhaps not knowing our debate here and the alternatives presented, does, in fact, believe that the corrections to the treaty text should be made, but suggests that the way that you do that is through the exchanges of these notes.

Clearly, the Senator from North Carolina, I think, would make a further distinction that you have the text and you have the notes and they are not the same. But it would appear that this ingenious communication has co-opted both possibilities in the same message. So we will try to get certification.

Mr. HELMS. I am constrained to quote the State motto of the great State of the Union—I will get some dispute about that—North Carolina, which is "Esse Quam Videri"—"To be rather than to seem."

Now, let us not seem to be amending the text of the treaty. Let us amend the text of the treaty. But we can discuss that and the amendment is withdrawn, in any case.

I thank the Chair and I thank the Senators.

Mr. PELL. If the Senator will yield for a question, I cannot resist the sense of pride that compels me to state the mottoes of my home State and home city. The motto of Newport, my home city, is: "Love conquers all"—"Amor Vincet Omnia." My State's motto is "hope." And that is what we are practicing here.

Mr. HELMS. I thank the Senator.

Mr. President, I suggest the absence of a quorum while I get my papers straight.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, momentarily I shall call up another amendment. I will not do so at the moment, but I have supplied a copy for each of the managers and I filed one at the desk.

It says:

In Article XVII, Paragraph 1, before the period at the end of the paragraph, add the following: "provided, however, That the Parties understand and agree that the United States shall not exchange instruments of ratification until the President, without delegation, shall have certified to the United States Senate that, in his judgment, the number of SS-20 missiles reported by the Soviet Union as being possessed by it on November 1, 1987 pursuant to the initial data exchange under the Memorandum of Understanding, is a true accounting of the number of SS-20 missiles possessed by the Soviet Union on that date."

Now, the mere reading of that amendment almost speaks for itself, but not quite. This amendment, in fact, Mr. President, poses a very simple, reasonable proposition. Do we—meaning the Senators of the United States—do we or do we not care whether the Soviet Union through blatant deception maintains a covert force of SS-20's in violation of the treaty? Do we care?

We ought to find out how each Senator feels on this when I call the amendment up and when I get the yeas and nays. Whether it is a tabling motion or up or down vote, we are going to find out how each Senator stands on condoning Soviet deception. It is not going to be enough to trot in here and just vote to table.

This one is for real. This is a gut issue. It could mean the difference between survival and destruction of Europe or a good part of it.

Specifically this amendment provides that the instruments of ratification shall not be exchanged until the President has certified to the Senate—and that is a fair proposition—that, in his judgment, the Soviet provides in the memorandum of understanding a true accounting of the number of SS-20's they possessed at the time.

On Saturday, I ran into a fine gentleman and his wife at a supermarket. Mrs. Helms was out of town and I had to do a little shopping.

He said, "Senator, you bewilder me about all of this talk about SS-20's and SS-25's and all of the rest of the numbers." He said, "What are you talking about?"

I said, "Well, sir, a lot of Senators are bewildered by the figures. They are not certain what they are talking about, if they talk about it. But, simply said, the SS-20 is an outmoded intermediate missile produced in abundance by the Soviet Union. It is not a long-range missile and it is so old that they have been modernizing with the SS-25 missile.

"Now then, the SS-25 is not covered"—I told the gentleman and his

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wife—"by this treaty. The SS-20 is. The Soviet Union would just as soon get rid of the American Pershing II's because in doing so all of the deterrent is removed from Europe against Soviet aggression, not only by their enormously overwhelming conventional forces but by those SS-25's which are not covered by this treaty."

These new SS-25's are all-purpose missiles that the Soviet Union has ready to go.

They could be short range or long range. They can still threaten and intimidate Europe or they could hit us. Take your pick.

So they got a good deal on this thing and we are pulling out of all of our Pershing II's, and all of our Pershing II's will be destroyed—that is to say except the warheads on both the SS-20's and the Pershing II's, the SS-20's on the Soviet side, the Pershing II's on our side."

So there goes the American deterrent.

He said, "Well how in the world"—this is the gentleman I met at the supermarket—he said, "How in the world did our people fall for that"? I said, "You tell me and we will both know."

Yet, this is the treaty, just one aspect of the treaty, that there has been just a bum's rush to have ratified.

The distinguished majority leader keeps talking about blue ribbons to wrap around it and hand to the President so he can put it in his pocket. I want to see what kind of pocket the President has to hold this treaty and whether it is a blue ribbon or a pink ribbon to wrap around it.

But the truth of the matter is this is a dangerous, dangerous gamble for the free world. No wonder Mr. Gorbachev is smiling. I would be laughing if I had experienced such a delightful accommodation to my wishes as the negotiators of this treaty gave Mr. Gorbachev's negotiators.

To be honest about it, we were snookered, and this amendment just points up one aspect of how badly we have been snookered. Because there is no way on Earth that there can be any feeling of security about verification of covert SS-20's. We are going to be able to look where the Soviets tell us we can look. And anybody who feels that the Soviet Union is going to tell us where they have hidden these covert missiles so we can look there, well, anybody who believes that will believe anything.

But at the heart of the debate on this treaty is that one simple question: How many of these SS-20's do the Soviets possess? Nobody knows. It is a matter of trusting the Soviets, and I confess that I do not. I have been into that time and time again as to why I do not trust them and why I do not believe that our country should trust them. But, in any case, in the memorandum of understanding, the Soviets claimed to possess 650 SS-20's. This is the number—650—that, presumably,

the Soviets will destroy. At the same time, however, according to official and unclassified information, the majority of our intelligence community believes that the Soviets in fact have hundreds more SS-20's than the Kremlin admits to having. These hundreds of SS-20's, above and beyond the number given by the Kremlin in the memorandum of understanding, will not be destroyed. They will remain in that covert force that I talked about a minute ago.

The exact estimates of our intelligence community can be presented and discussed only at closed session. There was a stab at that not too long ago. Mostly there was utter confusion. However there are many official unclassified sources of information and much has appeared in open testimony, and even in the media for that matter, to draw some conclusions that ought to make even the folks in Foggy Bottom a little nervous. The fact is that, according to official unclassified information, the majority of our intelligence agencies, seven out of nine, with only the CIA and the State Department-INR excepted, are said reliably to believe that the Soviets have 300 to 600 or more SS-20's above and beyond that 650 that the Soviets declared that they had and which they will destroy. So they will destroy the 650, presumably, after taking off the warheads which they can rebolt to the SS-25's, and there we go again.

I do not know whether many Senators have familiarized themselves with the salient points in the debate over the number of SS-20's actually produced and in the possession of the Soviets. But if the reported consensus estimate of our intelligence agencies is correct, then the claim that INF Treaty compliance can be verified is knocked into a cocked hat.

Moreover, if these official unclassified reports are correct and Senators nevertheless choose to ignore the reports, will it not be tantamount to saying: We do not care if the Soviets are lying to us, and we do not care if they have a covert force of literally hundreds of SS-20's. That is what it will amount to.

I have a bar chart which I wish Senators would examine. From this chart, all of which is based on official unclassified information and open sources, it is clear that the reported National Intelligence Estimate—representing a consensus of the intelligence community—of 950 SS-20's exceeds the Soviet number of 300. This, in fact, is the minimum size of the Soviet Covert force, as reported by the Chairman of the Joint Chiefs of Staff, Admiral Crowe, in open testimony.

The explanation of each bar in the bar chart is as follows:

First, the Soviets declared that they had a maximum of 650 SS-20 missiles as of November 1, 1987, when they signed the INF Treaty on December 8, 1987. This is the total number of SS-20's that the Soviets are obligated to eliminate under the Treaty.

Under the terms of the Treaty, this number of 650 is supposed to represent the total number of SS-20's ever produced and still in the hands of the Soviets.

Second, many recent press reports have stated that, in the National Intelligence Estimate of July 1987, the State Department Intelligence and Research Office (INR) both made an estimate of total 550 SS-20's produced, a number that was 100 less than the Soviets declared 4 months later. That failure in itself discredits the CIA/State methodology of estimating.

Third, in the draft NIE of January 1988, the press reported that the CIA/State estimate had been raised to 700, or 50 more than the Soviets admitted. This estimate made it possible for the State Department to claim publicly that the Soviet-supplied number was "within the range of our uncertainties." It is noteworthy that a DOD study earlier had concluded that even 50 SS-20's was a militarily significant number.

Fourth, the State Department declared publicly on May 13, 1987, that there would be 840 SS-20's almost at the same time when they were reportedly claiming in the NIE that there were only 550—further straining the credulity of the methodology involved.

Fifth, in the July 1987 NIE, according to press reports, the majority of the intelligence community, that is the four military service intelligence departments, plus the National Security Agency, reportedly all estimated that the Soviets had at least 950 SS-20's. This was the NIE best estimate, agreed to by a majority of the intelligence community. This judgment was repeated in the January 1988 draft of the current NIE, but the final draft of the NIE may well have failed to give any consensus estimate because of the political implications. This was probably the basis for Admiral Crowe's statement that the Soviets had 300 more SS-20's than the 650 they declared, or 950.

Sixth, both the July 1987 NIE and the January 1988 draft reportedly both contained estimates by DIA of 1,200 SS-20's produced. This is actually the most reasonable estimate when Soviet targeting requirements in Europe are taken into consideration.

Seventh, according to open sources, responsible estimates as high as 2,250 SS-20's have been produced, based on further Soviet targeting requirements in Asia and analysis of evidence of SS-20 production and development under two Soviet 5-year plans, 1976-80 and 1981-85. This estimate may be the estimate most soundly based in terms of methodology.

Mr. President, as I have pointed out, this amendment poses a very simple proposition: Do we, or do we not, care if the Soviets are being truthful to us. Do we condone Soviet deception, or not?

If the Senate does care, then it will approve this amendment providing that the instruments of ratification of the INF Treaty not be exchanged until the President has certified to the Senate that, in his judgment, the Soviets were telling the truth—in the memorandum of understanding—about the number of SS-20's they possessed at the time.

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AMENDMENT NO. 2113

(Purpose: To provide that the instruments of ratification shall not be exchanged, until the President has certified to the Senate that, in his judgment, the number of SS-20 missiles reported by the Soviet Union as being possessed by it on November 1, 1987 pursuant to the initial data exchange under the Memorandum of Understanding is a true accounting of the number of SS-20 missiles possessed by the Soviet Union on that date)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The DEPUTY PRESIDENT pro tempore (Mr. MITCHELL). The clerk will report the amendment.

The legislation clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2113.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

In Article XVII, Paragraph 1, before the period at the end of the paragraph, add the following:

"provided, however, that the Parties understand and agree that the United States shall not exchange instruments of ratification until the President, without delegation, shall have certified to the United States Senate that, in his judgment, the number of SS-20 missiles reported by the Soviet Union as being possessed by it on November 1, 1987 pursuant to the initial data exchange under the Memorandum of Understanding, is a true accounting of the number of SS-20 missiles possessed by the Soviet Union on that date."

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The DEPUTY PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I yield the floor.

Mr. PELL addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. PELL. Mr. President, this issue is one that was raised in the committee hearings and examined pretty exhaustively. I remember the director of the Central Intelligence Agency, Judge Webster, speaking for the intelligence community, said Soviet data in the memorandum of understanding falls within the intelligence community estimates.

The administration acknowledges, and we all realize, that intelligence agency estimates differ with regard to the number of nondeployed SS-20's. There is no way of being sure of that number.

As Secretary Shultz said: "I would be surprised if there were not differences of opinion. They reflect independent analysis which helps keep us all alert."

I think he is very right. I am familiar with these different estimates that

were made. While I recognize the numbers are classified, it is of interest that there is a considerable variation between them.

Secretary of Defense Carlucci explained that the SS-20 estimates "vary by agency * * * there are three agency views. Two are close to the Soviet declared number. One is not."

Indeed, it is possible that there are additional missiles in storage, but covertly stored missiles do not necessarily constitute a usable military force.

Effective verification of this treaty does not require the ability to detect all possible Soviet missiles kept in storage. Rather, effective verification, as the Joint Chiefs of Staff have explained it, requires the ability to detect militarily significant Soviet violations in a timely manner.

Indeed, the INF Treaty is specifically designed to take into account the possibility that the Soviet Union could maintain nondeployed SS-20 missiles in storage.

Secretary Carlucci explained the issue to the committee as follows:

Our national technical means can verify Soviet compliance with the treaty's ban on INF flight testing, as well as the treaty's ban on INF infrastructure and activity. Testing, training, and infrastructure are essential to a militarily effective force. Thus, unless the Soviets were willing to risk detection, the military effectiveness of concealed SS-20's would degrade over time.

In other words, as the JCS and the Secretary of Defense have testified that the treaty is effectively verifiable. The United States will be able to detect militarily significant violations in a timely manner.

There certainly can occur minor instances of cheating. There could certainly occur some hidden SS-20's. Their utility will quickly degrade as they do not have the ability to test them and be sure they are functioning properly. Also, it would seem to me, we would do well to accept the averaging or the estimates that have been given and move ahead and not support this amendment.

Mr. LUGAR addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, I join the distinguished chairman of the Foreign Relations Committee in opposition to the amendment.

The amendment, directly stated, says that the parties understand and agree the United States should not exchange instruments of ratification until the President, without delegation—that means the President himself—shall have certified to the U.S. Senate that, in his judgment, the number of SS-20 missiles reported by the Soviet Union as being possessed on November 1, 1987, and so forth, is a true accounting.

Mr. President, during the debate in the Foreign Relations Committee on this amendment when it was offered at that time, it was pointed out as a logical proposition that this is an im-

possible certification for this President or any President to make.

The distinguished Senator from North Carolina demands that we prove a negative. In this case, the negative cannot be proven even under the best of circumstances.

During that debate, as I recall, the suggestion was made that proving that the Soviets do not have and cannot create a covert missile force is much like proving the Loch Ness monster does not exist by draining the loch to its last drop, and someone will always claim the monster exists.

That is possible with regard to SS-20, but the distinguished Senator from Rhode Island has pointed out correctly that unlike the Loch Ness monster in this case, the Soviet SS-20's are not going to be of value without testing, without training a person to use them, without the infrastructure for their launching.

In essence, what we have to come back to, and I think Senators will during the course of this debate, is that an SS-20 missile, even in considerable quantity in caves or behind trees, or wherever these weapons might be hidden, are of no particular value.

The treaty goes after missile systems. This means launchers, it means the ability to roll out an SS-20 that has been tested, that you know has been properly serviced, that is going to work, and get it on a launcher and shoot it.

The launchers are observable. There has not been a great deal of question that we can count the launchers and pulverize them one by one. Unless you build more launchers and you have the infrastructure, people wheeling all the material up, quite a display in show of personnel, an SS-20, in whatever quantity, is not of value to you.

I make the additional point, Mr. President, that the SS-20 argument was always a political argument, in addition to being a military argument; a political argument in the sense that the possession by the Soviets of SS-20 missiles was meant to intimidate our lives, was meant to break up NATO. I simply say, given the INF Treaty, the SS-20's lose their political value. They do not intimidate anybody. If they are hidden in caves, they lose their force. They have no possibility of being used at all.

The distinguished Senator from North Carolina has used the SS-20 argument from time to time with the thought somehow or another that the verification procedures of the treaty were inadequate, that the intelligence services of the United States were in disarray with a large number of differing estimates and a wide range.

Let me just say, Mr. President, that whether there is disagreement on the exact numbers or not, the question becomes largely irrelevant given the maintenance, training, servicing, and infrastructure situation.

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During the Foreign Relations Committee hearings, I queried General Galvin, Supreme Commander of NATO, on this specific area:

Are you testifying, as a military man with considerable military experience, that the military posture of the United States and NATO will not be harmed by this treaty?

General GALVIN. That is right. I have 10 four-star generals that are subordinate to me, among others—10. Some of those are United States, and in my NATO hat, obviously, they are NATO.

In terms of those immediate subordinates, I have discussed this matter with every one of them. I have said, "Do not tell me what I want to hear, tell me what you think. Do you think we can carry out the mission and your part of it that you have to do?" All of those generals have said "Yes."

Senator LUGAR. Well, General, how could you come to this point of view if you thought there were 300 or 400 SS-20's clandestinely deployed in the woods and that the verification procedures were inadequate?

General GALVIN. Senator Lugar, let me talk about 300 or 400 SS-20's hidden in the woods.

I assume what you mean is that somehow after ratification, these would still be around, and the Soviets would not have indicated that.

Senator LUGAR. Yes.

General GALVIN. That, of course, would always be a worry to me, and I would never take at face value, unfortunately in my lifetime, I do not think I would ever take a Soviet figure, number at face value.

But at the same time, I have looked at all of the intelligence that is available on this question.

I simply make the point, Mr. President, General Galvin, head of NATO, with 10 generals, 4-star, from every nation, looked at the intelligence, all of it. Their responsibility is the defense of NATO. They have testified, every single one of them, that they believe this treaty ought to be ratified, ought to be ratified promptly, and furthermore, failure to ratify it promptly would have grave consequences to NATO in a way, I might add, that these clandestinely hidden SS-20's, if they ever existed, would not. This is why the amendment in my judgment does not have merit, Mr. President. I am hopeful at the appropriate time Senators will vote to defeat the amendment.

(Mr. PELL assumed the chair.)

Mr. MITCHELL. Mr. President, Secretary of State George Schultz has called the treaty to eliminate intermediate and shorter range nuclear weapons in Europe "a good beginning."

I fully agree that the INF Treaty is an important first step in the process of reversing the arms race and reducing the risk of nuclear war.

I also believe that the arms control steps that follow will define the treaty's ultimate value to our national security.

I commend President Reagan, who originally proposed the "zero-option," and Secretary Shultz for persistence in pursuing this treaty.

Our NATO allies also deserve credit for this achievement. In the face of Soviet deployment of SS-20 missiles in

Europe, the Western alliance responded by proceeding to deploy Pershing II and cruise missiles. This demonstration of unity and resolve enabled the arms control track of NATO policy to succeed.

I thank my distinguished colleagues from the Foreign Relations, Armed Services, and Intelligence Committees for their substantial efforts on behalf of the treaty. Through months of detailed hearings and countless hours of careful scrutiny, they have helped clarify the shared understanding of the agreement and thereby helped to ensure its ratification.

The INF Treaty, with its memorandum of understanding and protocols, is important for two reasons.

It stands on its own merits as a contribution to the security of the United States.

The treaty also creates a political and psychological framework for additional, more far-reaching, arms control agreements.

The INF Treaty is the first arms control treaty to actually reduce nuclear arsenals.

It is also the first agreement to eliminate an entire class of nuclear weapons, in fact two classes—both intermediate and shorter range nuclear systems. Under the treaty, all land-based missiles with ranges between 300 and 3,400 miles will be destroyed.

The Soviet Union will eliminate far more delivery systems and nuclear warheads than will the United States. The United States will destroy roughly 850 deployed and nondeployed missiles, while the Soviets will destroy some 1,750 such delivery systems including the SS-20. The United States will give up over 400 nuclear warheads, and the Soviets will forego over 1,600 warheads.

In addition the treaty will ban future production and testing of land-based intermediate and shorter range weapons.

The INF Treaty also establishes comprehensive and unprecedented verification measures. While no verification regime can ever be 100 percent guaranteed, the treaty's provisions will enable us to detect any militarily significant violations.

Various types of novel inspection methods will be employed for up to 13 years after the treaty is ratified. These include short-notice inspections and portal monitoring of missile assembly plants and arrangements to facilitate satellite observance of treaty compliance.

While appreciative of the treaty's value, we should not ignore its inherent limitations. By any numerical standard, the INF Treaty is a drop in the bucket. It will reduce the total number of nuclear weapons by roughly 4 percent.

Because it is an agreement to eliminate intermediate range forces, the treaty by definition leaves strategic arsenals untouched. Today tens of thousands of long-range weapons are aimed

at the United States and the Soviet Union.

Furthermore, the Soviets can continue to threaten European territory by aiming strategic nuclear weapons at targets currently covered by their intermediate forces.

These facts underscore the need to achieve an agreement to significantly reduce levels of strategic nuclear weapons. Otherwise the strategic arms race will continue unchecked and overshadow the successes of the INF Treaty.

Finally, the prospect of removing INF missiles has forced NATO to reexamine the conventional balance.

While I do not share the most pessimistic assumptions about NATO's conventional strength, it is clear that the Warsaw Pact has superiority in significant weapons categories such as main battle tanks and artillery.

The fact that NATO will, after INF, retain thousands of nuclear warheads dedicated to deterring conflict in Europe does not obviate the need to improve the West's conventional posture. Stability is as important for the conventional balance as it is for the nuclear balance.

Arms control is one route toward correcting the imbalance, but conventional negotiations have proved highly complex and progress to date has not been encouraging.

It is therefore crucial that we continue working with our NATO allies to modernize our nonnuclear forces and improve our ability to sustain conventional conflict.

Political and budgetary pressures make this a challenging responsibility for the alliance, but it is surely the most effective way to ensure that a war in Europe will never be fought.

The fact that the INF Treaty will not reduce strategic arsenals and cannot rectify the conventional imbalance does not make it a less valuable agreement. The treaty stands on its own merits.

But it also demonstrates that arms control cannot be a one-shot effort, and that no single agreement can guarantee stability. It illustrates the need for a comprehensive and continuing approach to arms control.

This brings me, ironically perhaps, to the other main reason why the INF Treaty is important: It creates a political and psychological framework for more far-reaching arms control agreements.

First of all, the INF Treaty legitimates arms control as a valuable means of enhancing U.S. national security. Even a President who once appeared to oppose arms control in principle has seized the opportunity to limit nuclear competition through a mutually advantageous agreement.

The treaty has also expanded our understanding of what arms control can achieve, thereby establishing precedents that may prove valuable in future negotiations.

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Most arms control agreements do just that—control the increase of nuclear weapons. The INF Treaty proves that actual arms reductions are possible.

In fact, because the Soviet Union will give up almost four times as many warheads as the United States, the treaty establishes a precedent for asymmetrical reductions.

Furthermore, the treaty's verification provisions go beyond what have in the past been considered realistic expectations of cooperation in monitoring arms agreements. Portal and short-notice inspections are far more intrusive than the satellite observation and other national technical means [NTM] used to verify previous treaties.

While NTM are likely to remain the most vital element of any verification regime, the INF Treaty indicates that it may be possible to use more intrusive measures to resolve future verification challenges.

Each of these elements—reductions, asymmetrical agreements, intrusive verification—may become vitally important as the United States and the Soviet Union proceed with efforts to reduce strategic weapons and conventional forces.

Thus the INF Treaty provides specific tools as well as political and psychological momentum needed to achieve additional arms control agreements.

Now that the Senate has begun consideration of the treaty, we confront the crucial details. Each of us may believe it possible to rewrite the agreement to improve it at the margin.

But I urge my colleagues to refrain from efforts to alter the text or otherwise consign the INF Treaty to renegotiation and a likely death. The exhaustive committee reviews and the overwhelming vote to recommend ratification affirms the treaty's soundness and its contribution to our Nation's security.

I believe that during this debate the Senate should focus on the treaty itself, not on the multitude of other issues that constitute United States-Soviet relations. We must not burden the treaty with weight it should not rightfully carry.

It is the Senate's responsibility to provide advice and weigh its consent regarding the INF Treaty alone.

I believe this treaty will be approved overwhelmingly, and I hope that we will move swiftly toward a vote on ratification.

It is not only the task of destroying INF missiles and implementing the verification measures that lie ahead.

We face the much larger task of building upon the treaty now before us to achieve a START agreement that will in turn enhance the value of the INF Treaty.

The challenge of reaching additional arms control agreements to help reverse the arms race and reduce the risk of nuclear war is one of the great-

est tests that we face as a Nation. I am confident that, with the INF Treaty in hand, we can proceed to meet this challenge in the name of national security and peace.

Mr. President, I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, as we begin full Senate consideration of the treaty on intermediate nuclear forces I want to take this opportunity to join my colleague in commending the distinguished chairman of the Foreign Relations Committee, Senator CLAIBORNE PELL, for the way he conducted the committee's consideration of the treaty. It indeed was worthy of commendation.

The hearings were exhaustive, and all members had ample time to express their views. For a committee that frequently deals with very contentious and often partisan issues, I was heartened by the strongly bipartisan approach the chairman took. So I commend my chairman for his leadership.

Mr. President, today we are considering an unprecedented arms control treaty. Past agreements have only set limits on the growth of our nuclear arsenals; they have also allowed nuclear arsenals to grow; this treaty for the first time in the history of nuclear arms eliminates a whole class—two classes—of nuclear weapons.

It also does so asymmetrically as the Senator from Maine has just stated. The Soviets must eliminate many more than we do. The United States will destroy 859 nuclear delivery vehicles, the Soviets, more than twice that amount. Moreover, our missiles contain only a single warhead, while the Soviet mobile SS-20 missiles each possess three. So the asymmetry is really very great and favors our side.

In addition, the treaty provides the most inclusive verification regime in arms control history, a verification regime that many thought would never be achievable. The treaty is in short a remarkable achievement. Its success is a tribute to the persistence and dedication shown by the administration in negotiations, and it has been the vindication of the principle of peace through strength.

There are some among us, here in the Senate and elsewhere, who would offer unilateral concessions to the Soviets in the vain hope of enticing reasonable responses. Unfortunately, history teaches us otherwise. The Soviet build up in offensive arms throughout the last three decades went forward quite independently of the United States. Détente did not change Soviet behavior. To quote former Secretary of Defense Harold Brown, "When we build, they build; when we stop building, they continue to build." And, despite glasnost, perestroika, and "new thinking," Soviet military spending has continued relentlessly.

In short, changing our behavior to elicit a response from the Soviets has not worked. Unilateral concessions remain just that: Unilateral, and the result of our action becomes the new base for negotiations. Much to the credit of the Reagan administration, it understood that in dealing with the Soviets, a strong, firm, determined strategy was necessary.

It was not easy. Many attacked this approach, and the administration demonstrated real courage to stick by its vision through some rather dark moments over the 6 years of negotiations. That is the lesson of the successful treaty negotiations we now have before us.

In response to the introduction of new, modernized missiles into Eastern Europe in the mid 1970's—a move designed to intimidate Western Europe and strain relations in NATO—the alliance made the brave decision to follow a dual-track policy: To negotiate with the Soviets to remove their missiles while preparing to deploy United States intermediate missiles if that effort failed.

President Reagan, in keeping with this strategy, proposed to the Soviets in November 1981, that both sides should have no intermediate ground-launched missiles in Western or Eastern Europe. The Soviets rejected the proposal out of hand: After all, their modernized intermediate missiles were already in place. Ours were still 2 years away from a deployment that was at best uncertain, given the political mood in Western Europe.

As if to prove the uncertainty of our ability to deliver, the President was roundly attacked, both here and abroad. His proposal was cited as unrealistic, something the Soviets would never agree to. A zero option was thought to be a dream and not a reality. The evidence was in, the verdict rendered: The administration—Ronald Reagan—was not serious about arms control, as proven by the fact that he wanted a zero option on intermediate missiles.

The Soviets unleashed a tremendous public relations effort aimed at discrediting the President's proposal. Others picked up the drum beat. "Peace groups" held large public demonstrations. A nuclear freeze was proposed, and its proponents backed a concept that would lock in place the Soviet superiority in intermediate nuclear weapons in Europe and allow us none. The political leadership in Western Europe, who had already committed themselves to receive U.S. intermediate weapons on their soil, found themselves under considerable domestic pressure, and the possibility for a serious strain in the alliance arose.

But NATO withstood the pressure to its credit. Whatever Soviet expectations may have been, the alliance held together and faced the Soviets down. Indeed, the alliance grew in strength from the challenge. Deployment went

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forward on schedule. A series of elections were held in England, Belgium, the Netherlands, Germany, and Italy about the deployment of these missiles. At great political cost, the leadership of NATO held fast.

As these events were unfolding, negotiations with the Soviets were at a standstill. In part, this was due to an unprecedented period of change in the Soviet Union itself, compounding the administration's problems. A country that had known only three leaders since 1925—Stalin, Khrushchev, and Brezhnev—had three new leaders in 4 years; as a matter of fact, had four leaders within a 5-year period if you count Brezhnev's final year in power when he indeed was old and not entirely with it, but within those very few years you had Brezhnev, Andropov, Chernenko, and Gorbachev.

But still the President persisted and most of those leaders of Russia really were not around long enough for a situation to be able to deal with the West during that very short tenure. The President persisted, and the Soviets came to realize that they would only get an agreement with the United States through realistic negotiations.

The treaty that we now consider stands as a milestone. The world will be rid of some 2,600 nuclear missiles. We have established the precedent of asymmetrical reductions—an absolute necessity as we address the very serious imbalance of conventional weapons between NATO and the Warsaw Pact. And for the first time, the Soviets have agreed to an intrusive onsite inspection regime, a goal of the United States since the Eisenhower administration and an essential requirement of any further strategic or chemical weapons agreements with the U.S.S.R. As a matter of fact, the intrusive nature of this regime of this onsite inspection regime really is much more than we had reasonably expected.

Some have raised strong concerns about Soviet intentions and correctly so. Since the Soviets agreed to the treaty, it was implied, it must be flawed. Questions have been raised about Soviet cheating, and indeed they have cheated. It was asserted that Moscow has underreported the true number of its missiles and will retain a covert force, and I know that is the subject on an amendment that is now before us. That of course, is a possibility, and I do not dismiss these concerns lightly. I remind my colleagues, however, of three facts: First, the SS-20's were designed principally as weapons of political intimidation, to divide Western Europe from the United States. For it to continue to serve such a function requires that its existence be known, which would, of course, be a violation of the treaty. So its utility as a weapon of intimidation has been lost.

Second, although I have absolutely no doubt that the Soviets cheat, I do not believe they do so without purpose. Obviously, some sort of cost-ben-

efit analysis must be made. Consider the tremendous cost the Soviets would bear in world opinion for violating this treaty. And for what gain? Targets that SS-20's covered will be picked up by other Soviet systems.

Third, a system which cannot be regularly tested quickly soon loses its reliability. And our inspection and intelligence verification efforts are quite capable of detecting Soviet testing. That was repeatedly confirmed to me in a number of open sessions and in private meetings as well with intelligence officials. This type of detection is entirely possible and completely possible. In short, there simply is little incentive for the Soviets to cheat.

Mr. President, I believe this treaty is clearly in the national interest. Imagine the impact on our NATO allies if we would now fail to give our advice and consent. Having withstood the pressure to abandon our dual track policy, and having endorsed the treaty, European leaders would be tremendously undercut if we failed now. The strain in the NATO alliance would be severe. The probability of our being able to replace the missiles on European soil is slight.

And the Soviets would reap a propaganda bonanza. They would portray themselves as the superpower in favor of peace and disarmament, while the United States would be the superpower supporting nuclear confrontation. Those arguments would fall on receptive ears in Europe, making it virtually untenable for the existing cruise and Pershing missiles to remain on European soil. So we would wind up with the worst of all possible worlds: the NATO alliance strained, our missiles out of Europe, the United States accused of reneging on its word, and the Soviets established as the propeace superpower, with their missiles in place.

So, I strongly believe this treaty should be ratified. In committee I resisted any amendment or reservation attached to the treaty, and I will continue to do so, particularly any would-be killer amendment. I also resist linking the treaty to other issues on our bilateral agenda. While we must clearly persist in pressing the Soviets on human rights, on emigration, and on regional conflicts, this treaty must stand on its own. Once we open the floodgates on amendments we will find ourselves deluged with every conceivable suggestion, some no doubt well intentioned—but still ill-advised. This treaty deserves a clean resolution of approval.

I would add, Mr. President, that I will resist attempts to place restrictive treaty interpretation language on the resolution. The administration has already asserted that its testimony is authoritative and binding. So I will resist those attempts as well. It has laid out before us the entire negotiating record—an unprecedented step. And it has committed itself to the interpretation presented to Congress and recognized that upon ratification that inter-

pretation has the force of law. There is simply no need to mire the treaty down in an unnecessary constitutional dispute that has no relevance to the merits of this treaty.

Mr. President, in a few short days our President will leave for Moscow. This treaty has been before the Senate for 5 months now. Administration witnesses have appeared more than 70 times before committee of jurisdiction. They have answered over 1,300 questions. The time has come for us to move speedily toward ratification.

Finally, Mr. President, I must tell you that I find it striking that even though the Reagan administration is in its closing months—a time when most expect it to go quietly into the night—it has nevertheless presented the people of America with some remarkable achievements in foreign affairs. In the Persian Gulf, we have acted with prudence and constraint, but have with firm resolve demonstrated our commitment to freedom of navigation to all in the region. With our assistance, the Afghan freedom fighters have forced a Soviet withdrawal from a country along their border governed by a Communist Party—a truly unprecedented action, the first time that the Soviets have ever withdrawn from a foot of soil that they occupied since they came to power. And we are poised to ratify this treaty, negotiated along lines the administration first proposed in 1981. You know, some times the good guys actually win.

It would be my hope, Mr. President, that my colleagues do not delay passage of this treaty so that the President will be able to go with this treaty in hand to Moscow. Treaties require 67 votes. There really should not be a need—I do not believe the Constitution's framers found there to be a need for filibustering a treaty. By definition, you do not need to do so because you need 67 votes to ratify it.

So I would hope that after a reasonable period during which all their amendments can be considered, that all of my colleagues will allow this treaty to move forward as it must and so that the President can also go forward with the treaty in hand to Moscow.

I yield the floor.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Idaho.

Mr. SYMMS. Mr. President, the Senate continues to hear from some of my good friends and distinguished Senators, who I have the greatest respect for, assert that this treaty will not in any way jeopardize or weaken the United States deterrence force in Western Europe, and that this treaty will not significantly reduce our ability to deter Warsaw Pact aggressiveness. That is one thesis.

The other thesis, of course, is the Kirkpatrick-Kissinger thesis and that is that it is a lousy treaty, it should

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not have been negotiated, it has jeopardized the NATO Alliance and caused all these other problems. You have all heard those issues. Yet, the Kirkpatrick-Kissinger position is that this treaty should be ratified because to not ratify it, will be more damaging than if it is ratified, with respect to the NATO Alliance.

Another thing that is being told to our colleagues here in this Chamber, and the American people are being told, repeatedly, that this treaty only amounts to 3 percent of the world's nuclear weapons, and that fact makes the INF Treaty militarily insignificant.

The problem with that, Mr. President, is that even this often-repeated point by the proponents of the INF Treaty know this not to be true. The INF Treaty does not destroy a single nuclear warhead. In fact, the treaty specifically exempts all nuclear warheads and guidance systems from destruction.

How then, Mr. President, can the INF Treaty eliminate only 3 percent of the world's nuclear weapons if the treaty does not eliminate any nuclear warheads? And I repeat—the treaty does not eliminate any nuclear warheads. Either the treaty eliminates nuclear warheads or it does not. And, the fact of the matter is, Mr. President, it does not eliminate any nuclear warheads.

So, if one goes to the text of the protocol of elimination of the INF Treaty, one will find the following quote describing the so-called elimination of the front section of the missile:

... front section, *minus* nuclear warhead device and guidance elements, shall be crushed, flattened or destroyed by explosion.

Mr. President, the word *minus*, according to the Random House College Dictionary means: First, less by the subtraction of; or second, lacking or without.

It is obvious, then, that everything but the nuclear warhead and its guidance elements will be crushed, flattened or destroyed by explosion.

But we still hear about how only 3 percent of the world's nuclear arsenal will be destroyed. The more accurate number, Mr. President, is in fact zero percent.

So, Mr. President, what is the United States getting for the destruction of zero percent of the world's nuclear warheads?

Well, the United States is removing its Pershing II missiles and ground-launched cruise missiles from Europe. On its face, Mr. President, that may seem like a good thing.

The problem is that the Armed Forces left in Europe, without these missiles, is less than adequately equipped to defend themselves against a Soviet invasion.

Comparing the conventional forces in Europe between NATO and the Communist troops, the RAND Corp. concluded that if there were to be any

reductions of conventional forces in Europe the asymmetrical reductions would have to be a 6-to-1 ratio, in favor of NATO simply because they are already so outnumbered in Europe.

It should be understood, Mr. President, that the Soviets can concentrate their conventional forces in Europe to achieve a combat force advantage of 6 to 1 without losing ground elsewhere.

It is also well known, Mr. President, that the Soviets have the ability to move two full divisions into Eastern Europe a day—two divisions a day. How many can we move in per day in the event something like this happened? I would ask my colleagues that question. We all know the answer to that. It is much easier to move them by train and by road than it is by ship or by airplane.

That, Mr. President, is precisely the reason why the Pershing II and cruise missiles are so important to the defense of Europe. The Soviet's massive conventional advantage is now offset by the Pershing II and cruise nuclear missiles.

But, now, in the name of peace we are disarming ourselves of NATO's most effective weapon in Western Europe.

Mr. President, let's take a minute to look at the nuclear defenses of Europe without the Pershing II and cruise missiles.

NATO has 88 Lance nuclear-tipped missiles, that were built and deployed in the early and mid-1960's. Most of the 88 Lance missiles are over 20 years old, outdated and obsolete. They have a maximum range of 45 miles. Some experts believe that the political decision to fire these missiles might not be able to be made in time for their effective use, because of the Lance missile's short range, and what might happen in the panic of a Soviet attack.

Those 20- to 25-year-old and now obsolete Lance missiles, are the total ground-based nuclear capability NATO will have, with a range of over 15 miles, once we remove the Pershing II and the ground-launched cruise missiles.

The Soviets, meanwhile, have over 1,400 short-range launchers and missiles that can carry nuclear, chemical, and biological weapons, and are not to be banned under the INF Treaty.

Mr. President, those 1,400 Soviet short range launchers and missiles do not include the refire missiles that, according to the 1988 edition of Soviet military power, have increased in numbers "by between 50 and 100 percent over the past several years."

Even more ominous, Mr. President, is that these Soviet short-range missiles, according to the 1988 edition of Soviet military power have "been deployed by the Soviets in the forward areas" of Eastern Europe.

Just as a sidebar, it should be of interest to Americans watching this debate that NATO has neither chemical weapons to threaten their use if the Soviets use chemical weapons, nor

any capacity to fight in a chemical environment. That is, NATO does not possess, beyond a mere symbolic level, the masks, protective clothing, and decontamination equipment needed to protect the 325,000 American soldiers in Europe today.

However, Mr. President, I should get back to the topic at hand, which is the extent and effectiveness of the nuclear weapons NATO has without the U.S. Pershing II and cruise missiles if the INF Treaty is ratified. The fact is that there are only two other types of nuclear weapons that the NATO has other than the Lance missiles. NATO has nuclear artillery shells, and nuclear gravity bombs that must be delivered by NATO aircraft.

The problem with NATO's nuclear artillery shells is that they are over 15 years old and do not have a range over 15 miles.

This weapon will not be able to stop a Soviet advance for several reasons: First, their short range means they will not be able to penetrate to the Soviet's second wave attack, and thus stop the massive numbers of the Soviet forces pouring into Western Europe, and second, the nuclear artillery round will have to be exploded over Western Germany because of the location of the artillery emplacements, thus making their use less likely because of German concerns of making West Germany into a nuclear fire zone.

NATO's artillery emplacements are vulnerable to, first, the over 1,400 Soviet short-range missiles—not including refires—that will remain in place if the INF Treaty is ratified. These short-range missiles can carry chemical, biological, nuclear, or conventional rounds; second, the Soviet's 6 to 1 advantage in intermediate range bombers; third, the Soviet's 2.3 to 1 advantage in artillery; fourth, the Soviet's 3 to 1 advantage in combat helicopters; and fifth, the Soviet's military doctrine and stated strategy of infiltration and sabotage and surprise attack.

The last portion of NATO's existing nuclear deterrent in Europe protecting America's 325,000 troops and the 300,000 American dependents of those troops consists of dual capable aircraft, that is, aircraft that is capable of carrying nuclear gravity bombs as well as conventional bombs.

The difficulty with this nuclear option is that there are only 10, Mr. President, 10 airfields in all of Western Europe that house dual capable aircraft.

Of course, these airfields have only rudimentary chemical defenses and the Soviets are working hard to develop microtoxins or other agents that will penetrate the chemical suits' filters.

Mr. President, the national media blankets Washington, DC, and this country with its news, but it neglected to print the fact that a team of Spetsnaz Soviet forces—the equivalent of

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U.S. Special Forces—not as good as our U.S. special forces, I must say, but the Soviets' answer to that—were caught posing as Polish art students in Scandinavia.

Mr. President, these Spetsnaz troops were practicing "eve-of-hostilities acts" on the homes and residences of high-ranking military officers and fighter pilots, specifically their assignment.

It should interest the American public that there are approximately 50,000 Soviet agents, of various description in West Germany. Coincidentally, this is the same number of German Nazi agents rolled into that country before the start of World War II.

Further, NATO's airfields could not be defended against Soviet short-range missiles once they are launched. These short-range missiles would severely damage, immobilize, or damage beyond repair the airfield, planes, spare parts, personnel, fuel, and ammunition.

So, it is clear Mr. President, that NATO, faced with a possible 6 to 1 conventional weapons imbalance in the favor of the Soviets, that NATO needs a credible nuclear deterrent.

That is why we deployed the Pershing II missiles and that is why we deployed the cruise missiles. That is why they were deployed in the first place, because sound military judgment, the best that we could provide for this country, came to the conclusion that we needed the Pershing II's and we needed the cruise missiles in Western Europe to provide the adequate, lightning-strike capable range that was provided with the INF cruise missiles and intermediate range missiles.

Just to say it again, Mr. President, if the INF Treaty is ratified and becomes the law of the land, the grand total of NATO's nuclear deterrent will be 10 airfields that carry nuclear-capable aircraft in all Western Europe; 15-year-old short-range artillery rounds that do not have the range of more than 15 miles and 88 20-year-old missiles that have a range of no more than 45 miles.

Mr. President, each of these nuclear weapons systems are extremely vulnerable to several different Soviet weapons systems and war-fighting tactics.

People often tell me Mr. President, that the United States has their nuclear submarines, their Tridents that carry missiles that could be used to defend our forces in a war in Europe. But, Mr. President, I ask this question to my colleagues: Do you honestly believe that a President of the United States is going to be inclined to use Trident submarines or Minuteman 3 or MX missiles in the continental United States or B-1 bombers, in the defense of Europe without being dragged into it in a slow, difficult fashion?

In other words, Mr. President, would any President of the United States launch nuclear weapons from United States submarines to defend against a Soviet conventional attack, knowing that such an order might, or most likely would, or probably would, start a nuclear exchange between the Soviet Union and the United States of America? Any President of the United States would be painfully aware of the risks that he would be taking on such a decision.

Mr. President, what if the Soviets have broken out of the ABM Treaty and are deploying an operational nationwide missile defense? Any President or Senator for that matter, is aware that the Soviets are working at breaking out of the ABM Treaty. But just add Soviet ABM breakout to the military equation 3 or 4 or 5 years down the road.

We often forget, Mr. President, the Soviet Union are chess players. They think in terms of giving up a few pawns, giving up a few rooks, giving a few bishops, but ending up with the queen being protected; the queen being protected by enough forces left for a knockout blow against the other queen. Their mentality is chess players.

Oftentimes, I think, our mentality is more "Let's make a deal." We are goal-oriented people and we like to play checkers because we are in a hurry. So we have a little different viewpoint, I think, in our basis strategy than what the Soviets have.

Any President of the United States, and with that job goes the job of Commander of the United States Armed Forces, would be aware 'this might happen that the Soviets have broken out of the ABM Treaty and deployed a nationwide missile defense. Right now the Soviets have not deployed such a defense, but they are well on the way towards deploying an operational nationwide missile defense. The Soviets have an elaborate civil defense bunkers and underground facilities for the leadership and their wartime industry workers, that make up a significant portion of the population. Meanwhile, here at home in the United States, we have no significant shelters or no defense against nuclear missiles.

So then I ask the question, in those circumstances, Mr. President, why do we think that any President of the United States is going to use Trident submarines, or MX missiles, or B-1B bombers, from the continental United States as a deterrent to a Soviet conventional attack in Western Europe?

Most Europeans—and I happen to agree with this thinking—believe that the United States would not destroy itself by launching their strategic nuclear weapons in response to Soviet conventional attack on Europe. A United States President—faced with the choice of saving Europe or destroying America because of Soviet nuclear retaliation against America, against which we have no defense—

would ably choose, probably, speculatively, to save the United States and Europe would have to shift for itself.

Mr. President, what happens to the 325,000 American troops, and their 300,000 American dependents in Europe, if war breaks out? Are they going to become hostages, or face some kind of a violent, cruel death?

Mr. President, that is why I know that Senator HELMS is contemplating offering an amendment calling for the withdrawal of the American forces in Europe if the INF Treaty is ratified by this body.

His logic is very simple and straightforward. If we are going to remove the best deterrent that keeps the Warsaw Pact countries from making the mistake of advancing into Europe, if we are going to remove that from our troops, then maybe we had better start thinking about bringing our troops home.

Mr. President, if this is going to be the logic that comes about from the end of this treaty, where the more conservative Members of the U.S. body politic start talking about removing U.S. troops from Europe, it is only a question of time until you see the entire dissolution of NATO.

So, Mr. President, I think that these are questions that we have to ask and answer ourselves with respect to this treaty. That is just another reason why I intend to vote against this treaty.

Mr. President, I ask unanimous consent that at this point in the Record the Wall Street Journal article of Tuesday, May 17, "After INF, Getting Our Planes Off the Ground" by John Train, be printed.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, May 17, 1988]

AFTER INF: GETTING OUR PLANES OFF THE GROUND

(By John Train)

In a game of chess, when you get ahead—by a bishop and a pawn, say—you often force a series of exchanges: queen for queen, castle for castle and so on. After those pieces are cleared off the board, you may still be ahead just by a bishop and a pawn, but in the endgame your relative advantage has become overwhelming, so you win—or your opponent resigns.

Similarly, the Soviets—who are chess players—having achieved a huge preponderance of conventional military power in Europe, are glad to see both sides' intermediate nuclear missiles taken off the board under the INF treaty, since that leaves their relative position in conventional war stronger than ever. Here the Soviets' strategy coincides with President Reagan's conviction that nuclear weapons are bad per se.

The Soviets have an advantage in central Europe of better than 2 to 1 over NATO in tanks and ground equipment generally. But it would work out to more than that in practice. First, any attack would come from them, probably with the advantage of surprise. Next, you have to discount some of our units that have equipment in Europe but are themselves based in the U.S., sup-

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posedly ready to fly over when needed. Many of them probably won't get there.

Then, the Soviets have come up with "reactive" supplementary tank armor—essentially, explosive pads that bite back at our armor-piercing projectiles. Reactive armor, tacked on their tanks in the past year or so, renders them largely invulnerable to our basic anti-tank weapons. Finally, the Soviets could hit wherever they choose—very possibly at the periphery of Europe, not necessarily, the center. There is, to say the least, grave doubt whether the Turks would fight in Norway or the Norwegians in Turkey, even if they could be moved there.

And, any attack would be accompanied by strategic deception—*maskirovka*—one of the Soviets' greatest skills, as we saw in their re-occupation of Hungary and Czechoslovakia, and Sadat's 1973 attack on Israel, which was prepared along Soviet lines. So NATO may not stir itself until very late.

Our military chiefs do not believe the Soviets are yet capable of a complete surprise attack without a movement of supplies—fuel, ammunition and spares—that we could detect. (Several days before our attack on Libya, our bases in England started getting calls from people living nearby about the increased level of activity.) However, in a few years they may be able to launch a "come-as-you-are party," so we must plan accordingly.

The offset all this, NATO has been counting on theater-wide air supremacy. Our fighter pilots are the world's best, and our planes as good as any. But what if the Soviets were to start with disabling and follow-on attacks on our air bases? If these were to succeed, then our own planes would have difficult counterattacking the Soviet bases, and the Soviets would dominate the air as well as the land. Even if they didn't succeed, after the inception of the INF treaty our planes would have to assume functions that the missiles were supposed to perform, overloading the system. (All this assumes that the war stays on the conventional level. If it were to go nuclear, even at the sub-strategic level, then the bases would be knocked out.)

Before the INF treaty, we could have counterattacked the Soviet bases with our Pershing and ground-launched cruise missiles (GLCMs). The Soviets have a prodigious antiaircraft defense, and might cope with many of the GLCMs. For now, though, the Pershings can't be stopped. But under the INF treaty both are traded away.

One sometimes hears it asserted that our U.S.-based ICBMs could take over European tactical targeting. But in the air they would look to the Soviets like a general strategic attack, and could well trigger an all-out strategic response. Besides, those missiles are dedicated to strategic deterrent and couldn't be spared, although some sea-launched missiles can be.

So air base operability has become a crucial issue for our European defenses. The Air Force has assigned Assistant Secretary Tidal W. McCoy to the problem, and each base commander has an "operability officer." Is enough being done? That concern took me recently to Air Force bases in Germany, where I talked to base commanders, engineers, pilots, intelligence officers, squadron commanders and anyone else who could shed light on the problem.

First what does an airfield look like? Let's start with Bitburg Air Base, home of the 36th Tactical Fighter Wing, consisting of three squadrons (24 planes each) of F-15 fighters. They fly at over Mach 1.5, and can operate at a range of more than several hundred miles. Twelve thousand Americans work on and around the base, which covers somewhat over a thousand acres, a bit more than Central Park in New York. This is only

about a third or a quarter as large as a similar base in the U.S. which gives us problem number one: that's much too dense.

When these bases were still quite inaccessible to Soviet attack, such compression was tolerable. Now, however, with the introduction of longer-range Soviet fighter-bombers, our bases in Germany are increasingly vulnerable. (More remote areas, including Britain, are somewhat safer, since the Soviets are still not so good at air refueling). If the Air Force had its way, the fields would be several times bigger, so that the planes could be widely dispersed, and there could be more alternate runways. The German environmentalists, however, aren't willing. So the prime target area—the planes themselves, their fuel and munitions, and the command areas—remain more tightly bunched than they should be.

No longer, however, do you see row after row of aircraft lined up wing tip to wing tip. Instead, each plane is housed in a cylindrical concrete hangar with a huge blast-resistant door. On landing, it taxis straight in for refueling, rearming and repairs. So only a direct hit on the concrete hangar or an extremely close miss can destroy the plane on the ground. The other "critical modes"—fuel lines and the like—are also being progressively hardened.

After an attack, you clear away unexploded bombs and mines and repair runway damage. Piles of gravel, and stacks of concrete and metal slabs are stored in convenient locations. The base commander figures out how to open a minimal runway in the shortest possible time. Repair teams rush to the spot in armed tractors and get going. To repair a crater takes a couple of hours. To help planes land on cratered runways, our air bases also have arresting cables available, like those on aircraft carriers, if need be.

The hardest—that is, most invulnerable—bases in the Western orbit are in Switzerland, Israel and Saudi Arabia; they have deep, extensive underground facilities and can ride out an attack and deliver a punishing counterblow. Ours weren't built with the present threat in mind. The low point was around 1978-1982, when the bases could have been knocked out quite easily. NATO is now spending \$250 million annually—which should double in a couple of years—on hardening them. The U.S. contributes just over a quarter of this. Great progress has been made in the past two or three years; more will be made in the next ones. On the other hand, the Soviets may introduce new conventional munitions with high blast effects able to cave in the structures we are building.

GAS ATTACK

Until recently, the Soviets, who have always been way ahead in chemical warfare, could have closed down our airfields in Germany with a series of determined gas attacks; soon, thanks to our defensive measures, this will be much harder.

It's assumed that they will use such weapons, so in an alert everyone struggles into charcoal-lined "chem suits" and carries on in that hot and awkward attire. You keep one suit near your work station and another where you sleep. Eventually, four per man should be available. You have to live in the suit as long as the threat persists, including relieving yourself in the pants. Meanwhile, the Soviets are carrying on research to develop mycotoxins or other agents that will penetrate the chem suits' filters.

For off-duty shifts, the Air Force is starting to build concrete dugouts for about 80 persons, where one takes off the chem suit and rests on a cot. These should be available for all the uniformed personnel on our air

bases in the late 1990s. The bunkers will be crowded and grim, but should survive anything except an almost direct hit.

To enter the dugout from outside when there is gas around, you pass through a series of air locks while removing and discarding your contaminated garments in stages. The suit is itself poisonous and has to be abandoned, so pretty soon you're out of suits, although eventually it may be possible to decontaminate them conveniently. If the Soviets could mount a succession of gas attacks until the suits were used up, things would get very difficult.

And the command centers? Everyone has seen movies of World War II military airfields in England or the Pacific: The headquarters are wooden sheds with uniformed men strolling in and out. Today such buildings are akin to Fort Knox: You pass through armored doors and airtight chambers until, fully inside, you find male and female airmen working side by side. Women aren't supposed to be sent into combat, but being blown up and gassed doesn't seem to count.

CAMOUFLAGE

It's surprising that in an age of satellites and hyperaccurate missiles, camouflage could remain an important tool. But to a fighter-bomber pilot streaking in over the landscape at tremendous speed, one terrain feature looks much like another. The pilot will be jittery about surface-to-air missile (SAM) attacks and being jumped by defending fighters. So he will certainly not linger over the target.

Thus, such basic camouflage measures as false runways made of painted plastic strips, dummy buildings and planes, sod planted on concrete buildings, reforestation and the like could lead him to drop his bombs in the wrong place. A remarkable example of this is the Kiev offensive in World War II: 19 out of 25 Luftwaffe attacks on Soviet airfields in fact hit decoy installations. So far, we are just beginning to camouflage our air bases, particularly planting trees in unused areas to break up the outline as seen from overhead.

SPETSNAZ

A thorny problem is how to prepare for attack by Spetsnaz troops, as the Soviets call the highly trained elite forces they send behind enemy lines, often in the uniforms and speaking the language of the target country. (The Germans used similar troops in World War II, such as the Otto Skorzeny glider unit that rescued Mussolini from Gran Sasso and the disguised detachments sent behind our lines in the Battle of the Bulge.) To add to the confusion, the Spetsnaz units include female soldiers. Their big moment could come just at the outbreak of hostilities, when they would kill pilots living off base, and destroy off-base supplies and communication links, as well as infiltrate the base itself—perhaps in hijacked vehicles—to attack key officers and installations.

The skill and ferocity of Spetsnaz attack was shown in the Soviet seizure of the Afghan government in December 1979. Spetsnaz units invaded the presidential palace and, using weapons with silencers, murdered President Hafizullah Amin, his guards and his entourage. Then they seized the Kabul airport for the landing of occupation troops.

The usual figure for the number of Soviet agents of any description in West Germany is on the order of 50,000. This sounds like a huge number, but isn't out of line with the numbers of agents—then called Fifth Columnists—that the Nazis maintained in Austria, Czechoslovakia, and other target countries before the outbreak of World War II.

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A number of these Soviet agents have paramilitary skills, and would be reconfigured as Spetsnaz troops or auxiliaries in a conflict. NATO airfields would be high on the list of their targets.

The Air Force is responsible for its own ground defense inside the base perimeter. Since airmen don't ordinarily carry personal weapons, this job is handled by the base security police. A lot of damage might occur before they could identify the Spetsnaz and put them out of action. Wrecking the main gate area would delay pilots return to duty.

Also, radars rise above ground, making them highly vulnerable. Their loss would render the planes dependent upon their on-board radars, permitting landing only under relatively favorable conditions. (For much of the year, Germany has dismal weather.) And of course, cutting communications would be a key objective.

Other Spetsnaz troops could lay down gas barrages from concealed mortar positions a few miles away. A few gas rounds would throw the whole base into a chemical defense mode and degrade its efficiency. Since the planes are inside their concrete bunkers, Spetsnaz attacks probably couldn't destroy many of them, but they could create havoc otherwise. At Bitburg, for instance, the main intelligence headquarters is a "soft" above-ground building. It has only one door and no windows, which makes it a bit more secure but much more conspicuous. (There's also a smaller semihardened emergency backup.)

The security people at our bases seemed casual about the Spetsnaz threat. None of them know about the teams of Spetsnaz troops pretending to be Polish art students recently caught in Scandinavia practicing eve-of-hostilities attacks on the homes of high military officers and fighter pilots. It was often assumed that the attackers would emerge from the immediate neighborhood of a base. The security folks felt quite confident of the attitude of the local population. "Russians would stand out like a sore thumb," they said. But most Soviet agents are East Germans who settled in West Germany years ago and acquired new identities. They don't march around in red suits with hammer-and-sickle armbands.

And everyone seemed taken aback when I pointed out that a few hours before hostilities, disguised Spetsnaz teams could drive up from a distance in trucks. More would probably be lifted in by helicopter or plane. A lot of civilian traffic moves in and out of an air base, and Spetsnaz attackers could undoubtedly penetrate it, some in hijacked vehicles. Inside, you have to go through a further checkpoint to get out onto the flying areas, but on my visits security was negligible.

Here is one scenario that I don't think the Air Force is prepared to cope with. Assume that a number of Spetsnaz teams penetrate an air base at night dressed in U.S. military chem suits and set off gas bombs. The base personnel have to climb into their own chem suits and masks. Recognizing friend from foe becomes all but impossible. The Spetsnaz troops commandeer military vehicles and ride around in the darkness shooting things up. Soon, our troops are firing at each other and there is utter confusion.

AIR ATTACKS

After the Spetsnaz units had done their worst, the air attacks would start.

The external SAM defense of the air bases falls to the Army. There are about 80 of the new Patriot higher-altitude missiles defending the Bitburg area, costing \$1 million each, plus some 190 lower-altitude Hawk missiles. Since hundreds of sorties could be launched against the base, the defensive

missiles might be expended in the first few days. The most effective defense is still our fighters. Their use is not yet coordinated with the SAMs, so many in the Air Force believe that the commander of each wing also should be in charge of his ground-to-air defense, like RAF commanders in Britain.

The farther-out ground defense of NATO air bases is the duty of each host government. In Germany, one could expect a competent job, but in parts of the southern region, such as Greece or Spain, there would be little reason for confidence. So one irony of any conflict in Europe is that since air superiority is vital to the land battle, our Army could lose the war in rear areas where it doesn't even fight.

Thus far, the Soviets do not seem to be matching NATO's hardening of its bases by hardening their own. In other words, they seem less worried about us than we are about them. This is scarcely surprising, since the Soviets, notwithstanding their propaganda theme of insecurity, have never believed there was risk of a NATO attack. Indeed, NATO barely has the will to defend itself. So after the attack on our air bases with which a general European war probably would begin, the attacking planes might well return to concealed secondary fields and highway strips for refueling and rearings. The Soviets also would expect to move their planes forward onto NATO bases that they seize.

Is this all just a bad dream, unlikely when conflict seems to make little sense? If you think so, the Defense Department's annual book on "Soviet Military Power" will make for troubling reading. In the past decade the Soviets have built between three and 10 times more than the U.S. in such categories as tanks, SAMs, ICBMs and artillery.

Why? One cannot sum up the motivations of a huge, heterogeneous population in simple form, and it is a mistake to try. The point is, empires do arise and expand until they can expand no more. Revolutionary leaders typically embark on aggressive foreign policies: Napoleon, Hitler, the ayatollah. There's nothing new about Stalin and his successors. We, indeed, after our own revolution were hell for our continental neighbors: We drove out not only the British but also the French, the Spanish and the Mexicans, and we weren't much fun for the Indians. As for the Russians, they've always been tough on their neighbors. For centuries they've ground them down and expanded into their territory. It rarely "made sense."

The Soviet state organs, notably the Red Army and the KGB, vastly stronger than their counterparts here, consider themselves in business, like growth-oriented executives, to expand the power and extent of the state. Holding down Soviet gains constantly exercises these organs of state, which are thus continually fortified.

Another sense of "why" is this: What is the payoff? Here one should remember Churchill's maxim, "Arm to parley." The Soviet Union uses military force freely and brutally. It runs constant military tests and provocations, together with political warfare, against its neighbors. Because of this, it has more clout than its economic and political backwardness justify.

Frank Meehan, U.S. ambassador to East Germany, has served in many key posts in the Communist world. Mikhail Gorbachev, he finds, is an imperialist like his predecessors, but is prepared to trim his sails in the face of an adverse wind, as at present, when there are problems at home and the satellites are restless. Still, Mr. Gorbachev has not shelved his country's imperialist aims, merely deferred them. When the Soviets, looking at the world chessboard, find that

the correlation of forces in some area is in their favor, they take advantage of it—witness their massive thrusts into Eastern Europe, Southeast Asia and Afghanistan. Between such thrusts they construct illusions, talk peace and apply blackmail.

We must, of course, give great attention to the air-base vulnerabilities I have described—to bombs (including the new explosives), gas, Spetsnaz and the rest. Our first answer to the Soviet threat to NATO air bases is hardening, defending and camouflaging them. It would be extraordinarily silly to neglect this area, and the Air Force rightly gives it high priority. Let's hope Congress does likewise.

Base vulnerability could be reduced by mixing different types of aircraft on each, as on a carrier. At present, the different types of aircraft that attack an enemy target—anti-radar planes, fighters and bombers, coordinated by AWACs—are collected from different bases; for instance, all the AWACs are based at Gellenkirchen, and could be knocked out en masse with one blow. Similarly, our F-4G Wild Weasels, which attack enemy SAMs, all sit at Spangdahlem. Preassembling attacking teams on a number of single bases, so that the loss of no one base could mess things up too badly, would help, although it would be a logistical nightmare.

The other answer remains the ability to counterattack. That requires a missile and aircraft force that is survivable, mobile, accurate and sufficient in number. Our own chemical capability must be kept strong. And our intelligence in the Eastern bloc must be able to find the bases to which the attackers may shift their forces.

We are, alas, a long way from this vigorous counterattack capability now. So the vulnerability of our air bases, although lessening, remains a serious weakness, which will be rendered much more serious by the INF Treaty.

Mr. SYMMES. Mr. President, I now want to speak very briefly on the amendment that is pending before the Senate. The question is very straightforward, if the President of the United States cannot certify that the Soviets have provided a truthful representation as to the number of SS-20's the Soviets possess, then I would like to ask the question rhetorically to my colleagues: How can we call it verifiable?

Verification means the ability to judge whether the Soviets are in compliance with the INF Treaty. It involves not just the monitoring of events in the Soviet Union, but also the judgment as to whether those events are in compliance with the treaty. That means we have to know the following. If we are going to say this is verifiable, we need to know the answer to these questions:

First, how many SS-20's the Soviets have produced up to the present time, including those produced but not deployed or deployed covertly?

Second, how many SS-20's the Soviets actually will destroy?

Third, whether the Soviets can produce new ones without being detected?

Fourth, whether the Soviets have the ability to hide SS-20's outside of the declared sites?

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Fifth, whether SS-20's hidden outside the sites can be kept in an operating condition without being tested.

I know many Senators have said here on this floor and the administration has been saying: Oh, those missiles will be of no threat even if they do hide them, because they will lose their operational capability.

Even so, if they are not able to train as well on them, they will be able to train on SS-25's, which is very similar. I would venture to guess, Mr. President, that there is not one Member in this Senate who would like to stand up 10 years from today, and allow the Soviets to fire an S-20 missile that they have not trained on for 10 years, and you stand downrange from it, even with a conventional warhead on it, and let them try to bracket where they think you are. There are not too many Members of the Senate who would like to stand out there in the open and see whether the Soviets could hit you or not.

Certainly it is going to be very intimidating to people in Western Europe who live in cities, who live in crowded conditions, if, in fact, we discover at a later time that there is in fact a covert force of Soviet SS-20 missiles that are operational.

Whether or not they have been training with them, the political implications of that announcement will be knee weakening. See how intimidating the SS-20's will be to Western Europeans if and when it is discovered—and I should probably say when it is discovered—that there is an operational covert force of Soviet SS-20's around.

Mr. President, the SS-20 is a mobile missile system, based on the design concept of mobile launchers and multiple reloads. The number of reloads produced for each launcher depends upon requirements of the Soviet's targeting theory. Traditionally the Soviets have targeted about 600 sites in Western Europe which alone would require 1,200 warheads to assure their destruction, two for each target.

Since each SS-20 has three independently targeted warheads, the theoretical minimum of missiles required would be 400 SS-20's. However, the Soviets assume in battlefield conditions only half of the weapons will be operable, because the others will be inoperable or destroyed or otherwise unavailable.

So, to assume that half of the SS-20's could be fired would require 800 SS-20's deployed on launchers. In addition, each launcher needs at least one missile for test firing. With 400 to 450 test launchers, the conceptual total would be 1,250, which happens to coincide with some of the estimates that have been reported in the public testimony by the DIA.

The treaty provides for the destruction of 650 SS-20's. We can verify that 650 missiles without warheads will be destroyed, but we cannot determine whether or not the missiles that are destroyed are the functional ones.

They could well be factory rejects never deployed, or deployed missiles with aging components or even uncompleted vehicles, dummies.

The treaty does not provide us with any qualitative inspection of these missiles to the destroyed.

Producing new SS-20's: The third problem is whether the Soviets can effectively produce new SS-20's under the terms of the treaty, thereby destroying old ones, while modernizing their fleet. This can be done by calling the new SS-20's SS-25's. The administration witnesses have testified that the first two stages of the SS-25 are so similar to the SS-20 that the SS-20 post-boost vehicle and warheads could be bolted on the first two stages of the SS-25.

They further testified that the treaty allows the Soviets to take the first two stages of the SS-25 through the portal at Votkinsk with out challenge, other than observation. They can bolt on the reentry vehicles and warheads in the field.

Hiding the covert force: Once the SS-20 is in the field, it can be hidden anywhere with no chance of detection and no right of inspection. It can be hidden under camouflage in appropriate terrain or inside SS-25 containers or on SS-25 bases.

Point five, reliability of covert force: Old SS-20's never die, at least not for many years. Reliability testing can be conducted illegally through the elimination launches or by testing the SS-25 legally. The SS-16 was deployed, Mr. President—and I repeat this—the SS-16 was deployed for 8 years without testing by the Soviets before we even discovered it.

These are the issues that are at hand. The Helms amendment, which is pending before the Senate is seeking to address these concerns. These issues pose great difficulties for effective arms control. If the best evidence is that the Soviets are cheating on the central obligation of eliminating all intermediate-range missiles and that we do not have the capacity to verify compliance, then the national security of this country may be in jeopardy, and this treaty is a sham.

Mr. President, one has to ask the question, and I know many of my colleagues sincerely stand up here and say, what motivation would the Soviets have to cheat? I think that is a good question because I think one thing those of us who come from a free society can generally agree with is incentives. So the question you have to ask is: What is the incentive for the Soviet Union to cheat and retain a covert force of SS-20's?

One of my colleagues just made the comment about what bad press they would get, how the world media would be down their neck if they were caught cheating. They received some bad press when they murdered Larry McDonald and shot down KAL-007 and the other 268 innocent people. It was a matter of a couple of weeks

before people stopped talking about it. You have to remind people now about KAL-007.

The Soviets have never been afraid of bad press. They were not afraid of bad press when they strolled into Hungary or Afghanistan or Angola, or Nicaragua or Cuba or Ethiopia or Mozambique or wherever they have gone. It has not bothered them too much. They do not have a press problem in their country because they do not have a free press.

It is interesting to note, as an aside on that, I wonder what would happen if some of Gorbachev's closest aides were to write "kiss and tell" books like Ronald Reagan's closest aides have done. I guess they would be lucky if they got to work in a salt mine in Siberia. Most likely, it would be reported they have become very ill and passed from the scene.

However, Mr. President, let me get back to what incentive would the Soviets have to cheat. I say to my colleagues, how long do my colleagues think it will be before they announce they have broken out of the ABM Treaty? That is question No. 1. All evidence points toward the fact that the Soviet Union is working very hard toward developing an antiballistic missile system which is outside the scope of the ABM Treaty that is now in effect.

There are numerous violations of the current ABM Treaty that point toward Soviet deployment of an antiballistic missile system.

So let us just assume, being on the safe side, that they are able to break out of ABM, let us say, by 1994—6 years from now—and they announce they have broken out of the ABM Treaty, it is no longer valid and they have, in fact, deployed and have in place an antiballistic missile system that is reasonably effective. It does not have to be 100 percent effective, but if it is reasonably effective, let us say if it can shoot down half of the U.S. intercontinental ballistic missiles that were coming in and warheads, that would greatly reduce the viability of the U.S. strike force. Let us say they announce they have been able to detect, and they are working very hard on this, they can detect the location of our Trident-class submarines by then.

Mr. President, that is the Soviet chessmen mentality. That is their incentive. If they, in fact, are able to do that, then what they can do in 1994 is roll back out 500 plus, or however many SS-20's they have maintained, and reintimidate Western Europe.

People say, "Well, what will we do about it?" I say probably what will happen is there will be a great deal of concern in Western Europe, a great deal of hand-wringing, and the NATO alliance will be seriously jeopardized.

What we need to do is support the Helms amendment that is currently pending before this body and have the President certify that he is able to

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verify how many SS-20's were manufactured, how many are going to be destroyed, how many may be left over, and get to the bottom of these issues.

Mr. President, I urge the adoption of the Helms amendment, and I think it is important that the Senate not be so intimidated by the press of politics, to think that we cannot examine these amendments as they come along, and vote on them as we are supposed to in the U.S. Senate.

It may not even interfere with the agenda that is set by the administration with respect to the timing of when the final vote comes in this chamber.

Mr. President, I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I rise to speak briefly in opposition to the pending amendment. I am a member of the Intelligence Committee, and we have gone into these matters in great detail there as well as on the Foreign Relations Committee, where I also sit. Our top military leader, the chairman of the Joint Chiefs of Staff, Admiral Crowe, has testified he is not concerned about the impact of any covert SS-20 force, if any such thing might exist. There are good reasons to believe that it would not exist and would, in any case, not be as threat.

The INF Treaty puts a complete ban on both production and flight testing of missiles. The viability of a covertly maintained SS-20 force would deteriorate over time. Without flight testing, the force would not be considered reliable by Soviet planners. The Soviets would have to turn to storage scenarios that assume a pre-war crisis period in which they could bring the missiles to readiness and perhaps flight test them again before using them.

The Soviets have far cheaper, far more reliable alternatives using systems that are not covered by the treaty. Any Soviet military planner worth his salt would not need to violate the treaty to achieve military objectives.

I know that there are disputes over exactly how many SS-20's we believe the Soviet's have. Those disputes are based in part upon a range of differences from varying elements of our intelligence community. It is improper to discuss the basis for the various differences in SS-20 estimates in an open session. I have walked through this issue with Mr. Webster of the CIA in closed session and I am satisfied and I believe that others members of the Intelligence Committee are likewise satisfied that the estimates cover a range acceptable to the intelligence community.

General Galvin in responding to a question from Senator LUGAR at one point of our consideration of this matter said:

I have looked at all of the intelligence that is available to me on this question, and

I do not have anything that I could take to the Hague or take to the Soviet Union and say, you are cheating on this and withholding weapons that should belong under the Treaty.

That was in testimony before the Foreign Relations Committee on February 3 of this year.

Let me finally quote from the testimony of Secretary of State George Shultz on March 14 before the Foreign Relations Committee. The relevant portion of this testimony reads as follows:

The Soviet numbers for deployed and non-deployed forces are near the estimates of our intelligence community, allowing for the range of our uncertainties.

There are some differences in agency views on the number of nondeployed SS-20's. Estimates for nondeployed systems are of course inherently less certain. They vary by agency, reflecting the independent analysis I mentioned.

The treaty is designed to deal with possibilities such as the Soviets' having more nondeployed SS-20's than we think they do. Our national technical means can verify Soviet compliance with the treaty's ban on INF flight testing, as I have already noted, as well as with the treaty's ban on INF infrastructure.

Both testing and infrastructure are essential to a militarily effective force. Thus, even if the Soviets did have some concealed SS-20's, their effectiveness would steadily atrophy. And covert systems are of no use for political intimidation.

For all these reasons, and many more, the amendment is not needed, it is unnecessary, and if adopted it would hamper our efforts to get the INF Treaty in place. I am therefore pleased to join others opposing the amendment.

I yield the floor.

Mr. McCURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Mr. President, I will speak to the pending amendment in just a moment, but I have not yet taken the time to speak with respect to the treaty as a whole and I intend to do both at this particular moment.

Mr. President, the treaty before us is a treaty much like its makers. Its makers are mortals, men and women like ourselves, who as individuals have their strengths and weaknesses. We should therefore not be surprised that this treaty, too, has strengths and weaknesses. It is our duty to identify the strengths, seek out the flaws, and weigh all of these to determine whether the treaty is in our net security interest.

This treaty concerns the limitations of military forces. Yet since security is defined both in military and political terms, and since any dealings between the democratic West and the totalitarian East are inherently political, it is clearly a political document as well. As such, it must be judged both for its political and its military effects.

As the administration has pointed out, there are worthwhile military benefits in this treaty. For one thing, it sets the highly desirable precedent

of requiring asymmetrical reductions in United States and Soviet forces, which will be critical for subsequent conventional forces negotiations. Since the Soviets have more weapons than we do, they have to eliminate more of them, roughly four times as many deployed warheads, including more than 1,200 highly accurate SS-20 warheads. The highly-mobile, difficult to target, SS-20's pose a critical threat to NATO air bases, command-and-control centers, ports, and other vital targets.

However, as we all know this treaty's overall military significance is marginal, at least in the absence of an agreement reducing strategic forces. The treaty affects only a small percentage of our total nuclear arsenals. The Soviets are free to retarget their strategic forces, for example SS-24's and 25's, to cover those same targets. This of course takes these warheads off other targets, but the Soviets already have more than enough warheads to cover their targeting needs, so the degradation of their strategic capability would be minimal. It is a great irony to me that SS-25's, which were developed and deployed in clear violation of the SALT II Treaty, are INF-legal and available to take over SS-20 targets.

And I want to repeat that for emphasis. It is a great irony to me that SS-25's, which were developed and deployed in clear violation of the SALT II Treaty, are INF-legal and available to take over SS-20 targets.

The treaty also breaks new ground on verification. It gives us unprecedented rights of on-site inspection of Soviet missile assembly, storage, maintenance, and deployment sites. The INF Treaty also provides unprecedented cooperative measures to enhance the ability of our national technical means to detect violations not detected by on site inspection.

However, it says something about the nature of arms control, and the difficulty of negotiating arms control agreements with a country with a record of violating every treaty it has signed, that even these unprecedented measures may be insufficient to ensure that we will be able to detect Soviet violations. For that reason, I am cosponsoring a reservation to the treaty to establish a compliance regime to ensure that the United States responds to any Soviet violations.

Mr. President, while the INF Treaty is of marginal military significance, it does represent a considerable political achievement. It is a victory for "muscular" arms control. Although I was disappointed by the unseemly and unwise rush to finish the agreement last fall, I commend the Reagan administration for its stalwart refusal to capitulate to the intense political pressures, in the United States and in Europe, to postpone or cancel the deployment of U.S. INF systems. I hope this experience will serve as a lesson to those, including some in the U.S. Con-

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gress, who told us the way to get an agreement was to cancel the deployment of U.S. INF missiles. The message is clear: Negotiate from strength, not from weakness, and do not make "preemptive concessions."

The treaty also represents a victory for the cohesion of the NATO alliance, and for those NATO leaders who supported INF deployment despite the enormous political pressures they faced. The Soviets tried every trick in their very large political arsenal. They stormed out of negotiations. They tried to "fix" the West German elections. But they were eventually forced to return to the bargaining table and accept the U.S. position.

Yet despite these accomplishments, I am still concerned about many aspects of the treaty. Some of these results from what may have been a flawed U.S. negotiating position to start with. Others are the result of poor negotiating, unwise concessions, or sloppy drafting.

One problem is that the numbers of the treaty, which appears to be favorable to us, to not tell the whole story. While the Soviets are giving up many more warheads than we are, we are giving up a unique capability, while they are not. The Pershing II was not deployed solely to offset the deployment of SS-20's, it was also deployed to provide NATO with the ability to strike Soviet military targets on Soviet soil, quickly, accurately, and with certainty. The Soviets are not deterred by the prospects of nuclear warheads landing in East Germany and Czechoslovakia. They are deterred by the thought of nuclear warheads landing on Soviet soil.

We have now traded that capability away. NATO dual-capable aircraft cannot penetrate Warsaw pact air defenses with as great certainty. Sub-launched missiles under NATO command are not an adequate replacement, in part because of the risk that Soviet leaders might mistake NATO-dedicated SLBM's for the beginning of a strategic strike, and react accordingly. This option was discussed and rejected back in 1979 when NATO debated the INF deployment decision.

I am also concerned at the ban on conventionally-launched cruise missiles, at a time where we are seeking ways to improve our conventional posture for a post-INF Europe. These are highly accurate, long range standoff weapons, so accurate that in some cases they can do the job of nuclear weapons. These are the very weapons that the Ikle Commission tells us we must rely on in the future to retain our deterrent capabilities.

I am aware of the arguments for including the conventional GLCM in the INF ban. However I am not convinced that verifying the differences between nuclear and conventional GLCM's are any more insoluble than the difficulties of distinguishing between unarmed GLCM's and armed GLCM's, or GLCM's with a range of under 500 kil-

ometers and GLCM's with a range of over 500 kilometers. Yet we are told that we can come close enough to knowing, even though we cannot verify compliance.

Nor am I convinced that, as supporters of the conventional GLCM ban argue, it is better to give up these missiles than allow the Soviets to have them. Most critical NATO targets are within 500 kilometers of the inter-German border already, and can be targeted by weapons permitted under the treaty. NATO strategy, in particular the follow-on forces attack concept, requires the destruction of Soviet follow-on echelons and their facilities and transportation deep within Warsaw Pact territory.

Underlying all of these concerns is the continuing conventional imbalance in Europe. This has been discussed at great length throughout the committee and floor proceedings on this treaty, and I do not intend to go into great detail here. But the conventional imbalance is an unpleasant fact of life that is not going to go away by itself. And I know that, at a time of shrinking defense budgets here and in Europe, there is little stomach for the kind of defense spending increases needed to redress the imbalance.

Turning again to the political aspects of the treaty, I am concerned that, at the last minute, the administration forgot all of the positive lessons of the long years of INF negotiations: "Never be in a hurry," and "always look like you can walk away from a deal." It is unfortunate, and ironic, that having forced our negotiators to work through the night to come up with an agreement in time for a summit, the administration wants to put the Senate under a similar deadline.

Finally, as I alluded earlier, I am afraid that even the most extensive verification regime ever is not enough to deter and detect Soviet cheating. There are a number of problems with the treaty's verification regime, but I will only mention a few, starting with the most basic issue: How many missiles do the Soviets have?

According to the memorandum of understanding, they have a total of 650 SS-20's. But according to press reports of a July 1987 OIA national intelligence estimate, there may be 1,200. Even taking the more conservative intelligence community estimate of 950, which Admiral Crowe described during the ratification hearings, we are looking at a possible discrepancy of 300 missiles or 900 warheads. Although there is considerable disagreement over what constitutes a militarily significant violation, I do not think anyone here will deny the military significance of 900 highly accurate warheads.

Mr. President, I think it is significant that the Administration and the Senate Intelligence Committee cannot tell us that we can ever know for certain how many missiles the Soviets

have. All they can tell us is that any covert force that the Soviets do manage to stash away will lose its usefulness soon due to the ban on flight-testing, which is verifiable. It seems that every time anyone raises a question about verifiability, it comes back to the flight test ban, which as my colleagues are aware is to be verified through traditional National Technical Means. So despite all of the advances in verification—and they are significant—our whole verification regime is backstopped by good old NTM. And these NTM cannot verify whether or not there are any covert SS-20's, all they can tell us is whether these are being flight-tested.

The Soviets also have the right, as do we, to eliminate up to 100 missiles by launching to destruction within the first six months of the treaty. We gave them this right because, apparently, the Soviets were concerned about the environmental effect of burning all the missiles.—The Soviets worried about the environment? If you believe that, I have some beachfront property in Votkinsk I would like to sell you. Although the Soviets are not allowed to conduct telemetry, and these launches would not be as valuable as traditional test launches, it seems clear that they will be able to gain some information that could assist in the maintenance of a covert force.

Furthermore, let me remind my colleagues that the Soviets kept SS-16 missiles in the field for 8 years without flighttesting. I think we have to assume that if these missiles were indeed deployed then the Soviets believed they would work.

Likewise, while we have the most extensive on-site inspection rights we have ever negotiated with the Soviet Union, we can only inspect a tiny fraction of a percent of that enormous country. I think we all know that operations at their 133 sites subject to inspection will be squeaky clean. Any violations will take place elsewhere. I know our negotiators had their reasons, relating to our own security interests, for not insisting on the right to inspect suspect sites anywhere in the Soviet Union. But I also know that our demand for this kind of inspection rights was dropped late in the negotiations under the intense political pressures to come up with an agreement by an agreed deadline.

There are also problems with the definition of range for both INF ballistic and cruise missiles. As the treaty is currently written, as long as the Soviets conduct the first test of new ballistic missiles at a range slightly above 5,500 kilometers, all subsequent tests can be at INF ranges without violating the treaty. With cruise missiles, the way the treaty is written allows the Soviets to test a cruise missile at, say, 480 kilometers even if it has the capability to fly INF ranges.

To sum up the verification issues, I would impress upon my colleagues

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that while this treaty includes unprecedented inspection rights and information, and a very exhaustive and impressive-looking MOU listing the latitude and longitude of missile facilities at Lutsik and Kansk and Votkinsk, we still cannot be sure that it is verifiable.

There are also potential political negatives attached to the treaty. As former Secretary of State Kissinger and many others have testified, when we withdraw our INF forces we will face increased pressure for the total denuclearization of Europe. We are already facing opposition to the critical modernization of NATO's short-range nuclear forces. This pressure is especially intense in West Germany, and it comes from many who have been supporters of NATO's nuclear deterrent.

Mr. President, I have enumerated some of the problems contained in the treaty. Let me briefly address another problem that is strictly of the Foreign Relations Committee's making: The Biden provision. This condition is merely the latest round in a series of attempts by the Congress to unconstitutionally limit the President's right to make, interpret, and implement treaties. It is billed as critical to the interpretation of the INF Treaty, but we all know its real purpose: To prejudice the administration's interpretation of the ABM Treaty and cripple SDI. Ironically, we have already seen how this provision might work in practice, in the dispute over futuristic weapons, where the Biden condition would have rendered the negotiating record irrelevant.

Mr. President, it strikes me as strange that people who have been involved in business in which they contract with other parties would reject the negotiating history of that contract and depend entirely upon the explanation given their board of directors by a person who is involved in the negotiations, without respect to whether or not the other party to that contract agreed with that interpretation. That seems to me to be so ridiculous that it ought to fall on its own right.

Mr. President, this treaty is not complete, it is not a finished piece. It is a piece of clay on which we in the Senate have the right and duty to work our will to meet the concerns that many of us have. We must work to address the loopholes and shortcomings of the verification regime. We must make difficult choices as we weigh the opportunities for Soviet violations against the incentives, or disincentives, to violate the treaty. At the very least, we must create a compliance mechanism that will convince the Soviets that the risks of violating this treaty will outweigh the gains. We must weigh our admitted inability to verify total compliance with the treaty against the benefits that we may gain from the treaty, and our ability to detect a militarily significant violation. In short, we must make choices, diffi-

cult choices. That is what we were elected to do.

We should remember that the treaty can also be shaped for the worse. Adoption of the Biden provision would make it difficult for me and I am sure many of my colleagues to support the treaty.

Last, we must consider the effect on our national security of a failure to ratify this treaty. And let me repeat for my colleagues, that the potential political consequences of such an action, which would seriously undermine European support for the United States and the NATO alliance, could be just as dangerous to our national security as any military problems resulting from ratification. We must ask whether we will do more to help the supporters of denuclearization and neutralism in Europe if we ratify the treaty, or if we fail to ratify it.

Finally, if the Senate finds that we cannot answer these questions, we should remember that we have the right to send the treaty back for renegotiation. Treaty-making is important business. It should not be driven by artificial pressures such as summit scheduling. If we believe that the problems of the treaty can only be adequately addressed through renegotiation, it would be an abdication of our responsibility not to do so.

Mr. President, let me address for a moment the amendment which is pending before the body at this point.

What are the numbers of SS-20's? I am struck by both the problem, and perhaps the disingenuity of those who have said it falls "within the range of estimates." That is a game designed to mislead the American public, not to inform the American public. Because "within the range of estimates" can indeed mean at one end of the range of estimates, which is precisely what we have here, and we are hampered in the discussion of the range of estimates because of the classification of some information.

So let me refer only to published reports. I do not want to enhance or detract from the accuracy of published reports, but let me use the published reports as an illustration of the danger of saying it is within the range of estimates and therefore acceptable.

The lowest estimate that we have of the number of SS-20's in published information is 550. The highest of the range of estimates is 1,200. So saying 650 is within the range of estimates is accurate but misleading and, in my judgment, intentionally misleading. To say that it is within the range of estimates, obviously it is above the lowest and below the highest, but it is much closer to the lowest range of the range of estimates than it is to the highest of the range of estimates.

I heard a statement made on the floor of the Senate earlier today: "Let's take the average." OK. Let us take the average. That would be 875, as against the 650 that the Soviets have agreed to. But let us assume, too,

and if the proponents of the treaty and those who are explaining it wish to do so, let us say there is only a difference of 300 weapons. That is only 900 warheads, and 900 warheads are irrelevant. Or, let us take the average, which would be 875. That would mean they are only off by 225, and that is only 675 warheads. Certainly, 675 warheads are irrelevant.

I heard one of my colleagues make a reference to the Loch Ness monster. I do not believe the Loch Ness monster has yet threatened the survival of cities; and if there are 1,575 cities being threatened by the Loch Ness monster, I expect that we would pay more attention to the Loch Ness monster.

So it seems to me to be both specious and misleading to make that kind of irrelevant comparison to something that does not matter, when, as a matter of fact, what happens here is of great importance to us, indeed.

Suggestion two. Suppose there are 300 or 500 missiles more than we have in the official Soviet estimate, and we should ignore that, because over a period of time they become useless. Let us examine for a moment how useless those weapons are.

If I recall correctly, we do not test all our missiles every year, either. Does that mean that the missiles we have are militarily unimportant, militarily meaningless? Or do we include within our estimate of our military capacity those missiles we have in our inventory that are deployed, but that are not being tested?

I suggest that if you look at the argument that they are militarily meaningless, then you would wipe out of our arsenal the U.S. Minuteman II. I think you would also have to recognize that ACDA verification chief Fred Eimer has testified, before committees of Congress, that the Soviets could have a good measure of confidence after 3 years and confidence after 10 years without testing. That would parallel what we have seen with respect to the SS-16, which disappeared for a number of years but still remained within their inventory, and we have to believe that they must think those missiles have some kind of military significance.

Finally, Mr. President, when we look at the range of estimates, let us recognize one fact: The only estimate—again, according to published reports—that is lower than the Soviet estimate is that made by the U.S. Department of State, and every military force and intelligence estimate made in this country is higher than that which is given by the Soviet Union.

Mr. President, the track record of our State Department in trying to manipulate information in order to sustain a diplomatic initiative which they have undertaken is far too serious for us to ignore. If I have to ignore something in this process, it would be the State Department estimate, not

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that of the CIA or the military chiefs or military intelligence experts of our country.

Finally, I think it is very important that we understand the significance of hidden, covertly deployed Russian missiles. I think it is a disservice for people here to try to brush that away as irrelevant, unless indeed they wish to make the one argument that certainly is within the matter of their judgment, although I might disagree, that 900 warheads or 1,500 warheads targeted on targets in Europe are irrelevant to the military balance of power. If they wish to make that judgment, they are certainly entitled to make that judgment. It is not a judgment shared by the Senator from Idaho.

I urge that this amendment by the Senator from North Carolina be given the serious consideration to which it is entitled, and thus recognize and give our administration the opportunity to provide some close estimate of the total number of SS-20's the Soviet Union possesses and has deployed prior to the exchange of the instruments of ratification.

That does not destroy the treaty. It may indeed be the only way to protect the integrity of the treaty.

Mr. President, I yield the floor.

THE PRESIDING OFFICER (Mr. ADAMS). The Senator from Alabama.

Mr. HEFLIN. Mr. President, in this Chamber, we constantly refer to the future. We work to build a better future for our children and grandchildren. This is the essence of the American dream and all Americans should work with this goal in mind.

I want my grandson, Wilson Heflin, now only 5 months old, and those in his generation, to have an even brighter future than I was blessed to have. However, so long as we are faced with the threat of nuclear war, that hope for a brighter future for our children and grandchildren is at tremendous risk.

In order to truly provide for the future of America, we must work to reduce the threat of nuclear war.

On December 8, 1987, President Ronald Reagan signed the INF Treaty with the goal of reducing the threat of nuclear war.

As we consider ratification there are several matters which merit our scrutiny. We must consider the imbalance of conventional and chemical weaponry between the Warsaw Pact nations and the NATO nations. We must examine the ability of the United States to verify Soviet compliance with the terms of the treaty through both the treaty's provisions and through our capacity of verification outside the treaty, and we must balance in our minds the potential for good with the potential dangers that could come from Senate ratification of the treaty.

Much concern has arisen in the minds of Americans on the conventional weaponry imbalance that exists between the Soviet Union and its allies and the NATO nations. The presence

of intermediate-range missiles has been considered a deterrent against a conventional war assault in Europe by the Russians and their Warsaw Pact friends. Yet, even with the removal of the INF, American and its NATO friends will still have the capacity to hit targets that were within the range of the INF. These targets can be focused upon by numerous methods of launching. Both sides will still be able to hit targets through air-launched, sea-launched, as well as ground-launched missiles, just as they could with INF. The delivery of a nuclear threat by cruise missiles will continue. Within less than 30 minutes an intercontinental ballistic missile fired from a faraway distance could hit targets within the former range of the INF. A nuclear deterrent against a conventional or chemical weapons war remains and will continue after ratification of the treaty. Another deterrent which would remain is the British and the French intermediate nuclear missiles.

I had great reservations about SALT II on two grounds primarily. One was verification and the other was an unequal destruction of launchers. I believe the Soviet Union achieved a negotiated victory under the provisions of SALT II.

In evaluating the INF Treaty, one of the major issues in my mind is whether we would be able to verify compliance with the terms of the treaty. Or stated in another manner: Does the United States have the capacity to rapidly learn about a violation of the treaty? Or stated in another manner: If the Soviets cheat on the treaty, can we catch them? With our sophisticated intelligence capability and with the inspection rights outlined in the treaty, I believe we can catch the Russians if they cheat. Thus, we have come close to having a cheat proof treaty.

It is extremely important that we follow and monitor both the letter and spirit of the treaty's provisions. We must never tolerate even the hint of cheating.

When President Reagan was elected and again when he was reelected, the vast majority of Americans would not have predicted that this INF Treaty would have been possible. Most Americans felt that the Russians would never agree to the inspection and verification rights contained in this treaty. Second, hardly anyone would have believed that President Reagan would have ever trusted the Russians to such a degree that he would have entered into any treaty. However, the Reagan-Gorbachev summits have ushered in a new era of public opinion about nuclear arms and the Soviet Union. I do not think there is any question that in the recent past the Russians have demonstrated a turnaround just as has President Reagan.

This is a limited treaty which does leave us with an effective deterrent against both a nuclear and a conven-

tional weaponry assault against the mainland of Europe. The treaty has its gambles. But weighing the INF Treaty in balance, the advantages of ratification far outweigh the potential disadvantages.

I had previously mentioned the changed attitude on the part of the President toward nuclear arms reduction with the Russians. While I agree with President Reagan on many of his attitudes and measures and disagree with him on others, I am convinced that President Reagan has an attitude toward the Russians which is similar to my own. Namely, we believe that you must constantly be on your guard as you deal with the Kremlin. I am convinced that President Reagan would not have signed this treaty if he thought that he was giving the Russians an advantage or that he was not doing the right thing. When the time comes to vote on the ratification of the treaty, I will cast a vote to reduce the potential of nuclear destruction of the world. I will support President Reagan in this effort to reduce the threat of nuclear war; I will vote for ratification.

I hope that we can move forward and ratify this treaty before President Reagan leaves for the upcoming summit. I believe the stamp of approval by the U.S. Senate on this INF Treaty will give him greater standing as he confronts other nuclear arms reduction negotiations and other Russian and American issues. However during this ratification process, the Senate must still exercise all caution and must consider the merits of each amendment to the treaty, its impact on our overall strength as a nation, its consequences for our allies in Western Europe, and its effects on NATO.

I will support at least one amendment, the Hollings amendment, which would address to some degree the Soviet advantage in conventional weapons. I do not believe U.S. treaty negotiations should have surrendered our option of deploying conventionally armed, ground-launched cruise missiles which would be an effective deterrent to the Soviet conventional arms advantage, and this amendment would remedy this indiscretion.

Finally, throughout the ratification process and in all of our other dealings with the Soviet Union we must never lose sight of the Kremlin's historic goal of worldwide domination. Although the INF Treaty appears to be mutually beneficial for both countries and with its verification provisions it appears to be a legitimate effort in arms control, we must never let down our guard and fool ourselves into believing that the Soviet Union has significantly changed its intentions. After all, the U.S.S.R. is a Communist country which does not share our moral and humanitarian concerns.

Thank you, Mr. President, I yield the floor.

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Mr. PELL. Mr. President, the Senator from Wyoming [Mr. WALLOP] is on his way here. Until he comes, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, with reference to my amendment, which has been laid aside to accommodate one or two Senators who are off the Hill, let me just conclude with a couple of observations. We operate on good faith around this place and I do not question the good faith of any Senator who has spoken against my amendment.

However, I think the RECORD ought to be set straight with respect to the suggestion earlier today that the amendment is not reasonable in that it expects the Soviets to have given us the exact number of SS-20's in the memorandum of understanding because the United States made some honest errors in the counting of its missiles. Indeed, I believe my friend from Indiana [Mr. LUGAR] stated it was impossible for President Reagan to make this certification.

Well I have to point out that any reading of the amendment discloses that the impression that apparently Senator LUGAR and maybe others have is not accurate. The amendment does not ask—let me repeat for emphasis—it does not ask the President to certify that the Soviets provided us with the exact number of SS-20's. Nowhere in the amendment is that suggestion made. Rather, the amendment asks President Reagan to certify that the Soviets provided a true account.

There is a substantial difference between the two. Of course, an exact count could not be certified by any President. But a President should be willing and should be required to certify that in his judgment the Soviets provided a true account of the SS-20's produced and on hand by the Soviets.

So there is a difference between what was said and what is actually the fact with respect to what the amendment calls for. If the Soviets did make an honest accounting error, then the President could certify that the Soviets gave a true account and the treaty could go into force. What is at question is not the Soviets accounting ability, but rather whether or not the President believes them to be telling the truth. As to the other statements made, Mr. President, as soon as it became apparent in the hearings that the Soviets likely underestimated the number of SS-20's they have by the hundreds, apologists popped up.

The apologists claimed "do not give the Soviets a tough time for possibly lying about how many missiles they

have, because these missiles quickly become useless without testing."

In the first place, we should not be in the practice of accepting and condoning Soviet lies. If the President cannot certify as to the truthfulness of the Soviet numbers, we should not allow this treaty to go into force.

In addition, the treaty actually permits flight tests by allowing the Soviets to eliminate 100 missiles by launching. The Soviets claimed that they needed this provision; because otherwise 3 years would not be sufficient time for them to destroy all of their missiles. But testimony received by the Foreign Relations Committee and presumably the Intelligence and Armed Services Committees, suggests that this is simply not true.

Rather, the true reason why the Soviets wanted eliminations by launch was to sneak in some flight tests. Former Deputy Assistant Secretary of Defense Frank Gaffney, testified before the Armed Services Committee:

In agreeing to the Soviet Union's demand that the accord permit them to dispose of at least 100 INF missiles by flying them to destruction, we have seriously compromised this feature of the INF accord.

Indeed, we have offered the Soviets through this device an opportunity to design a de facto flight test program, so as to maximize their knowledge and confidence in any covertly stockpiled missiles.

Furthermore, I have always been somewhat suspicious about this claim that covert SS-20's would become useless without flight testing, as I recall that the Soviets covertly deployed the SS-16 for 8 years without us detecting any flight tests.

So, Mr. President, it should come as no surprise that when I looked into this claim that this covert Soviet SS-20 force would quickly become useless without flight testing; and I quickly found it to be a bogus claim.

In fact, according to testimony received during hearings of the Foreign Relations Committee, the Soviets can easily go 3 years, and indeed as long as 10 years without testing their SS-20's before having to worry about the reliability of these missiles.

Indeed, former Secretary of Defense Cap Weinberger—I remember well his testimony—indicated his belief that the Soviets could go 3 years without flight testing their SS-20's and retain confidence in the reliability of these missiles.

In February, I asked Cap Weinberger if the Soviets would retain confidence in the reliability of their missiles after 3 years, and he responded:

They have tested for a long time. The SS-20 is an old system. It is now 11 years old since it was deployed. There was a lot of testing before that and there has been continual testing and review of it during all of this period. So I think they would have somewhat substantial confidence that the SS-20's that they have, would be deployable and usable.

I think it is important to remember that after 3 years, all of our Pershing II's will have been removed from

Europe and destroyed. The Soviets could pull out a few SS-20's and test them after 3 years, and there would be nothing the United States could do about it.

But as the hearings progressed over the months, I discovered that the Soviets could go much longer than 3 years without testing the SS-20; just like they went 8 years without our detecting tests of the covert SS-16 force.

Indeed, in the middle of March, the committee heard from Dr. Fred Eimer, the assistant director of the Bureau of Verification and Intelligence at ACDA, the Arms Control and Development Agency. Dr. Eimer has been with ACDA for 14½ years, and has served as assistant director for 7.

During our hearings, Dr. Eimer indicated that not only would the Soviets have "a good measure of confidence" in the reliability of covert SS-20's after 3 years, but they could actually maintain confidence in these missiles for up to 10 years.

So, Mr. President, the treaty's bar against flight-testing does not excuse the Soviets for having a covert force of SS-20's. The Soviets have gone years without testing other missile systems, and the testimony before our committee indicates that they could go years without testing the SS-20.

Mr. President, I thank you for the opportunity to make these closing remarks on the amendment. As I understand it, it has been set aside so that Senator WALLOP can offer an amendment.

The PRESIDING OFFICER. The Chair would state that it has not been set aside by agreement yet. The Chair is waiting for such a statement and has not heard it yet.

Mr. HELMS. Very well. I yield the floor, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I would say I intend to lay it to one side when the Senator from Wyoming [Mr. WALLOP] comes here with his amendment. At the moment I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment by Mr. HELMS be temporarily laid aside and that Mr. WALLOP proceed to call up his amendment on which there is a time agreement, after which all time has expired or been yielded back the vote then occur on or in relation to the amendment by Mr. WALLOP, following which Mr. PELL be recognized to make a tabling motion on the amendment by Mr. HELMS.

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The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 2106

(Purpose: To clarify that neither Party may produce any other stage which is either outwardly similar to, or interchangeable, with any other stage of an existing type of intermediate-range GLBM)

Mr. WALLOP. Mr. President, I ask that the amendment on article VI, paragraph 2, which is at the desk be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 2106.

In Article VI, paragraph 2 of the Treaty, strike "which is outwardly similar to, but not interchangeable with" and insert in lieu thereof "which is either outwardly similar to, or interchangeable with".

Mr. WALLOP. Mr. President, the amendment that I have just called up is in the nature of a technical amendment to the treaty. It ought really to take very little time. If the Senate is serious about its business, it will take very little time. If the Senate is of a mind-set somehow or another, that it is operating in a state of suspension of judgment, then it will take the full hour and a half.

I know the managers of the treaty on both sides are anxious to get on to the resolution of ratification.

This amendment is purely and simply technical. It corrects an obvious drafting error in article VI, paragraph 2 of the treaty which deals with exceptions to the general ban on production of any INF-type missiles contained in article VI, paragraph 1.

The treaty paragraph here is supposed to have made it possible for the Soviet Union to manufacture the first stage of the SS-25, which is for all intents and purposes also the first stage of the SS-20, and no other stage. The most ordinary reading of English, putting these double negatives together, simply does not do that. It allows them to build this stage and another one.

We have to decide whether or not this treaty is bound to be put forward and signed, in the case of an obvious drafting error, or if we want it to say what the parties say they want it to say.

It was the clear intention of both parties to allow the building of one stage that is outwardly similar to but not interchangeable with the first stage.

Written as it is with both the "notwithstanding" beginning, the language in the paragraph, and the subsequent negative, article VI, paragraph 2 amounts to a double negative that can be construed to mean that either party could build more than one stage of a missile, similar to the SS-20.

Let me read from the analysis of the American Enterprise Institute's INF Study Task Force who were the first ones to discover this:

Furthermore, it is unclear how—if at all—this article would affect the future intermediate range missile that might be developed using the first two stages of the SS-25. (Just as the first two stages of the SS-16 gave rise to the SS-20.) Could the development, testing and production of such a system be concealed using the SS-25 program as cover?

It is a question that this Senate ought to pay attention to if it is to do the job that it sits here required by the Constitution to do.

In any event, it will be difficult for the United States to determine whether anomalous activities within the SS-25 program indicated a surreptitious intermediate range development program.

This paragraph contains a noteworthy drafting error. Read literally, it permits the production of an SS-25 second stage that is "outwardly similar to, and interchangeable with" the second stage of an SS-20. The problem arises because the paragraph begins with a "notwithstanding" clause that overrides the general prohibition on intermediate range missile stage production of paragraph 1.

This point should be clarified with the Soviets. What the last clause of the paragraph meant to say and should be revised to reflect is the language of my amendment.

Mr. President this is not something that I have concocted alone. Others have seen it as well. The Senate Armed Services Committee has a recommendation, and I think it is wise that the Senate listen to what they said. We have been told by others on this floor supporting the treaty that all these people and all these committees have done their work. Why should we not do the work they recommended to us?

I read from page 18 of their report:

Notwithstanding Ambassador Glitman's testimony as to the intent of the Parties and the effect of the Treaty, Members expressed the view that the provision was, at best, awkwardly written, and, at worst, contained a double negative that, in combination with the exemption stated in the prefatory clause, would allow production not only for a first SS-25 stage that was outwardly similar to, but not interchangeable with, the first stage of the SS-20, but also a second stage of the SS-25 that could be outwardly similar to and interchangeable with the second stage of the SS-20.

Mr. President, this is the recommendation of the Senate Armed Services Committee.

Recommendation:

The Committee carefully weighed the testimony of Ambassador Glitman, the description contained in the Article-by-Article Analysis, and pertinent documents from the negotiating history. The Committee concluded that there was a meeting of the minds between the United States and Soviet negotiators that each Party has the right to produce a type of GLBM not limited by the Treaty if that missile uses one, but only one, stage which is outwardly similar to, but not interchangeable with, any stage of an existing type of intermediate-range GLBM. Thus, if a Party chooses to produce a non-INF GLBM with one such stage, it may not

produce any other stage that is outwardly similar to any other stage of an INF missile.

This means that the Soviets may continue producing the SS-25 first stage provided that it is outwardly similar to, but not interchangeable with, the first stage of the SS-20. If these stages are interchangeable, that would be a violation. However, if they elect this option (as they have indicated they will), the second stage of the SS-25 cannot be outwardly similar to the second stage of the SS-20, even if it is not interchangeable.

Getting to the meat and the heart of the Senate Armed Services Committee's recommendation:

Although the Committee believes that the United States and the Soviet Union share a common understanding of the meaning and effect to this provision, it firmly believes—

I say that again; they do not say it twice, but let me emphasize the word—

... it firmly believes that the drafting of this provision is technically flawed and should be clarified. Accordingly, the Committee urges the President to clarify with the Soviet Union the meaning of this provision. This could be accomplished, for example, by an exchange of letters.

The Committee further urges the President to reach this clarification prior to final Senate action on the Treaty.

I point out the Secretary of State was trying to do a whole lot of other clarification, but this single recommendation he did not. Going on:

If such clarification is not reached, the Committee may have to recommend that an understanding be added to the Resolution of Ratification to clarify this provision.

Therein I disagree with the committee. An understanding added to the Resolution of Ratification is a very one-sided text. It is absolutely not binding on the Soviet Union and, if anything is binding on the two parties, it is the language of the treaty as both sides have agreed to it.

Mr. President, one of my concerns about this treaty, and I believe it is a concern that was shared by the Senate Armed Services Committee and motivated them to put out this report against which no person intending to vote for the treaty took issue, is that although both sides agree now that the intention of the treaty was to allow only one similar stage, the future can change things. We are mortal men despite the lofty view we hold of ourselves as Senators. Men die—Presidents die, Ambassadors die, Secretaries of State die, Secretaries of Defense die—the world changes, but the words remain as they are on the day in which the Senate grants its consent to ratification. And in this case, the INF Treaty is an agreement in perpetuity. In the interest of preventing any future compliance problem on the treaty, the Senate must act today. And it cannot act unilaterally with an understanding. That does not bind the Soviets. It does bind us, and we have no intention of doing it anyway. An understanding simply does not bind the Soviets.

Mr. President, I took time to examine the negotiating record on this, and

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it is positively clear from examining that negotiating record that the Soviets held the same view of the language in this thing and asked us to change it.

Now, for wholly political reasons we did not because in fact we did not want to have the very obvious language in there authorizing the SS-25, and for no other reasons. The problem is that in the late-night negotiating sessions when Ambassador Glitman was bedridden with asthma and other things were taken on, this thing came down wrong. And the Soviets agree that it is wrong. It cannot be impossible to get them to agree to put in the treaty what they asked us to in the negotiations. It cannot be viewed as a killer amendment. It can only be viewed as an absolutely responsible act on the part of the Senate unless it is operating wholly with a suspension of judgment.

The negotiating record is clear. The Soviets thought it was ambiguous. They asked us, "Why do you want to say it like that?" And if necessary, if some people question whether or not the negotiation record reflects that, I will call us into an executive session to read that negotiating record, because it is clear the Soviets had the same view as the American Enterprise Institute on this and the same view as the Senate Armed Services Committee on this. It was drafted for political reasons in this manner. They did not want to have hullabaloo raised of specifically authorizing the production of the first stage of the SS-20 as a part of the SS-25. There really was no other reason for it.

So, Mr. President, this amendment is not one of those artificial categories that the Foreign Relations Committee has constructed. I would say to the world that those categories are totally irrelevant in international law. Those categories are constructs that we have reached, categories 1, 2, and 3. They are in no sense binding under international law. They may bind the Senate as many other things do, but they are not a rule of the Senate. They are not a part of international law. If the Senate wants the treaty to mean what it says it means, it will accept this amendment. The Soviets will accept it. They have already said that they did not like the way it was developed and stated. And if in fact they have some kind of objection to this, at some later moment we can tell that it is because they want to do precisely what the language would permit them to do at some future date. I doubt that that is what it is and in point of fact this Senate should adopt this amendment just to make certain that what we set out to do is what we actually in fact accomplish.

Mr. President, I reserve the remainder of my time.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I listened with interest to the arguments of the Senator from Wyoming, and I realize, too, that this portion of the treaty that we are discussing is a pretty clumsily drafted portion. Nevertheless, Ambassador Glitman assured our committee that in no case can the Soviet Union product a stage of the SS-25 that is interchangeable with a stage of the SS-20. The way Ambassador Kampelman expressed it to us is that a stage that is outwardly similar to and interchangeable with an SS-20 stage would be a violation of article VI, paragraph 1. And, Secretary Carlucci, the Secretary of Defense, told our committee, We do not believe there is a drafting error in this paragraph. Drafting clumsiness but not an error. An examination of the negotiating history of this provision confirms our administration's assertion that the Soviet Union shares exactly the same understanding of the provisions as do we.

A meeting of the minds was reached. As I say, I would agree that the provision is awkwardly worded but there does not appear to be any real risk that either party could justifiably construe the language of article VI to permit the introduction of the second stage of the SS-25 interchangeable with the second stage of the SS-20. To construe the language to permit an interchangeable stage would require the treaty to be read in a manner that contradicts not only other more central treaty provisions but also the treaty's basic object and purpose. And such an action would be a violation of the treaty. An amendment to change the wording of article VI would seem unnecessary and, more to the point, if it could be done easily there are some arguments for it but in order to do it would require reopening of the negotiations, which could be a lengthy process and could involve further United States concessions. So on balance I very much hope that this amendment does not pass, and I urge my colleagues to vote accordingly.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is in control of the time. The Senator from Virginia seeks recognition.

Mr. PELL. I yield such time as he may need to the Senator from Virginia [Mr. WARNER].

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to first say to our distinguished colleague from Wyoming that he has indeed brought up a point which has been of concern to the several committees that have been dealing with this treaty, and of course the Senator quite accurately read the statement of the Armed Services Committee report. We did not, however, at the conclusion of that report suggest a category 3 type of amendment to resolve this issue.

Mr. WALLOP. Will the Senator respond to a question?

Mr. WARNER. Yes, of course.

Mr. WALLOP. What is category 3? The Soviets do not have category 3. Only the Senate has category 3. There is no provision of international law, no provision in the treaty, no provision in the Constitution, no provision anywhere. It is wholly an artificial device of the Senate Foreign Relations Committee.

Mr. WARNER. A category 3 amendment as you probably know, Senator, is effectively an amendment to the treaty.

Mr. WALLOP. It is, but not a category 3. It is a technical amendment on its face. It is no 3, 2, 1 or anything else. It is a purely technical amendment.

Mr. WARNER. As I read through my report and refresh my recollection with my chairman, Senator NUNN, who was here momentarily consulting with me on this and I assume he would soon be speaking on this issue, we are of the belief that this matter can be clarified by this colloquy and perhaps other actions to avoid the necessity of going back to the Soviets, as the chairman of the Foreign Relations Committee mentioned, to require a renegotiation of the provision in question.

But before we get deeper into the issue, I would like to ask a technical question of my good friend and colleague with respect to his amendment. The amendment says, "In article VI, paragraph 2 of the treaty, strike 'which is outwardly similar to, but not interchangeable with.'" Article VI, paragraph 2, has two references in the sentence which use the phrase "which is outwardly similar to, but not interchangeable with." My question is which reference in the sentence would the Senator wish to substitute his wording for?

Mr. WALLOP. If the Senator will give me a moment, I will answer that if he wishes to carry on.

Mr. WARNER. Yes, of course. I think we will allow time for the Senator from Wyoming to look at his amendment.

Mr. WALLOP. It is after the second GLEB, having more than one stage.

Mr. WARNER. If the Senator will bear with me, let me get a copy of the treaty.

Mr. WALLOP. I thought the Senator was making a point.

Mr. WARNER. I am making a point. I want to get the text in front of me. I laid it aside momentarily.

We are now looking at article VI, paragraph 2. The Senator from Wyoming is advising the Senator from Virginia as to the operative effect of this amendment.

Mr. WALLOP. It is the second.

Mr. WARNER. I am sorry?

Mr. WALLOP. It is the second.

Mr. WARNER. It is the second reference and not the first. Is that correct?

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Mr. WALLOP. That is correct.

Mr. WARNER. Does the Senator wish to modify his amendment to make that clear?

Mr. WALLOP. I would so modify it to make certain that it referred to the second reference.

Mr. WARNER. I bring this to the Senator as a courtesy.

Mr. WALLOP. I understand.

Mr. WARNER. Given that modification, which I understand is at the desk, is it?

The PRESIDING OFFICER. Is there objection to the Senator's request to modify the amendment? Hearing no objection, it is so ordered.

The amendment, as modified, is as follows:

In Article VI, paragraph 2 of the Treaty, strike "which is outwardly similar to, but not interchangeable with" and insert in lieu thereof "which is either outwardly similar to, or interchangeable with," the second place it appears.

Mr. WARNER. Mr. President, I direct a further question to the proponent of the amendment. As yet, this Senator has not had an opportunity to study it carefully. But the administration who has been examining the amendment offered by the Senator from Wyoming, and now has just received word as to the modification as requested by the Senator from Wyoming, it is still unclear whether the amendment as modified by the Senator from Wyoming would in effect ban the production of the SS-25 missile.

Mr. WALLOP. I believe that a review of the modified amendment will demonstrate that it does not ban the SS-25.

Mr. WARNER. Well, let me check back with the administration, and I am going to spend a little time studying the amendment myself as now modified to make sure we are correct in this understanding. I wanted as a courtesy to raise it with the Senator from Wyoming.

Mr. President, I will address this issue again shortly.

I yield the floor at this time.

The PRESIDING OFFICER (Mr. CONRAD). Who seeks recognition?

Mr. PELL. I suggest the absence of a quorum.

Mr. WALLOP. Mr. President, how much time does the Senator have?

The PRESIDING OFFICER. Does the Senator withdraw his suggestion of the absence of a quorum?

Mr. PELL. If anybody wishes to speak.

Mr. WALLOP. The Senator from Wyoming does.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. PELL. I withdraw the suggestion.

Mr. WALLOP. Mr. President, I would ask the Senator from Rhode Island, if I could have his attention for a minute, if he would not agree that common English usage of double negatives in fact ends out being an assertive positive, that you can in fact au-

thorize the construction of both phases of the SS-25 under this language.

Mr. PELL. I have a huge respect for the Senator from Wyoming and his knowledge and love of the English language. In fact, I believe at the institution at New Haven he started out in life as a would-be novelist and writer, and believes in the purity of the English language.

This is written in a very murky style, and so murky I think some of us find it confusing to say the least. The answer to his question is not a simple answer. I think it can be read either way.

Mr. WALLOP. If it can be read either way, it is good enough as the positive answer which I solicited. If it can be read either way, the Soviets can read it either way, and it can be read to authorize it.

Mr. PELL. But the fact remains that we know from the negotiating record.

Mr. WALLOP. No. We do not. In point of fact, we do not know that in the negotiating record because in fact the Soviets absolutely asked us to change it. I want to know why we wanted to state it in such arcane language. They actually asked us if we would not change it. They told us it was unclear and they were worried about it preventing them from building the SS-25.

Mr. PELL. As I said earlier, the examination of the negotiating history of this provision confirms the administration's assertion that the Soviet Union shares the same understanding that we do.

Mr. WALLOP. If it is necessary, I will ask for a classified session to bring the negotiating record down here and demonstrate that it does not do that. I have studied it carefully, I promise you, and they asked us. They complained about it, and they said it does not. Now, if they have, as the Senator says, the same view of the language of the treaty as do we, then the Senator cannot make the case that this would be a lengthy process to renegotiate.

If they have the same view of it as we do, which I am prepared to say they do, those who are alive today, but we are not bound by a live man. We are bound by language when it comes to treaties, ones they enter. It cannot be clarified as a colloquy because a colloquy only binds the United States. It does not bind the Soviet Union. Either we take seriously the obligation that the Constitution conferred upon us to make the treaties that we pass judgment on say what they say they mean, or we do not.

How can it take a lengthy process if they agree? Would the Senator care to respond?

Mr. LUGAR. Mr. President, would the Senator accept a response or colloquy with this Senator for a moment?

Mr. WALLOP. On the time of the manager.

Mr. LUGAR. Yes. I would be happy to accept that stipulation that it would be on the time of the manager.

I would just comment, and I have listened carefully to the points of the distinguished Senator, which are well taken as likewise the ranking member on Armed Services Committee. I recall our own conversations and testimony in the Foreign Relations Committee. The particular passage in article 9 on the so-called double negative problem has been discussed so long as anyone has been reading the treaty. It is admittedly awkward language.

We have gone back, and in fact questioned Ambassador Glitman as I recall during his time before us. I think it is fair to say Ambassador Glitman, either privately, publicly or maybe even both, has indicated that he believes it is awkward language.

But on the other hand, I also have retrieved the notes of that testimony in which Ambassador Glitman assures the Foreign Relations Committee that in no case can the Soviet Union produce a stage of the SS-25 that is interchangeable with the stage of the SS-20's. Ambassador Max Kampelman explained that regardless of paragraph 2 of article 6, which is the double negative we are discussing, and I quote:

A stage which is awkwardly similar to and interchangeable with an SS-20 stage would be a violation of article 6, paragraph 1.

Secretary Carlucci then with reference to this—and we requested his notes—said "We do not believe there is a drafting error in this paragraph."

It seems to me that there is clearly awkward wording. But my own judgment of this, as one Senator looking at it, is that there appears to be no reason why either party could justifiably construe the language of article VI to permit the production of the second stage of the SS-25 that is interchangeable with the second stage of the SS-20.

As a commonsense situation, leaving the expertise to those who have testified, it appears to me that the Senator has correctly stated the parliamentary proposition: Either we amend the treaty text, which I would oppose doing, or we attempt to at least find some other means of clarifying the awkward language, if that is possible, and I am not certain that is.

I think we are finally going to be drawn to the Senator's amendment, which suggests amendment of article VI; and Senators will decide whether the awkwardness of the language is a sufficient deterrent to their comprehension of it or their support of the treaty or to support the Senator, or they will defeat the treaty, and we will go back to square one, if there is a misunderstanding with respect to the language, as to how this can be changed.

Mr. WALLOP. I do not doubt the Senator's goodwill or the goodwill of anybody involved in this, but we have a rather uncomfortable history with

the Soviet Union with respect to ambiguous provisions of arms control treaties.

It is clear that one of the things Ambassador Glitman would not do would be to say that his product was flawed on the day he testified. I think it is also clear that Secretary Carlucci and Ambassador Kampelman would do anything they could to try to make the best of a bad situation.

The problem is, though, that nobody denies that it can be read both ways. Ambassador Kampelman's statement that it is prohibited by paragraph 1, is incorrect, because the "notwithstanding" that begins this whole paragraph eliminates all the criteria in there in order to make it possible for the exception in paragraph 2.

It was the intention of people, I grant, to authorize the first stage of the SS-25. It is the intention of this Senator to authorize it, though I find it ironic that the principal violation of the SALT II Treaty is enshrined in this paragraph and this article of the subsequent treaty.

In point of fact, the "notwithstanding" that begins that paragraph eliminates all the criteria that go before it, when it is read in the context of the paragraph that is there. Ambassador Glitman can assure me to his heart's content that he feels bound by this, but he cannot assure me that the Soviets feel bound by this.

The other problem I have is that to clear this up at a later time, what happens if the other side says no and builds it and points to the language? We can say they do not have any plans to, but we cannot know the plans of people who are not now in power, let alone the people who are in power. They do not have Aviation Week looking over their shoulder and all the kinds of things we do.

It is important for us to be clear. Everybody says this is awkwardly drafted. There is no reason not to make it clear, if, as everybody says, the Soviets are of the same view.

Mr. LUGAR. Mr. President, will the Senator yield?

Mr. WALLOP. I am on the time of the Senator from Indiana.

Mr. LUGAR. I respond that there is disagreement, I suspect, among the negotiators on our side, or at least persons in our defense establishment who have testified on this, as to whether the awkwardness really requires re-drafting.

I think I have stated, in a common-sense way, that there is awkwardness as most people read it. But having tried to think of how best to change the awkwardness, to make it smoother, many are not convinced that it would not create an additional problem.

Mr. WALLOP. What is the additional problem?

Mr. LUGAR. The renegotiation with the Soviets—that is, moving back to the table because of the obvious change in the treaty; and there is a

feeling that if this is to be done, it can be done in other ways which are preferable.

Mr. WALLOP. I would take a substitute amendment which would do what the negotiators neglected to do, which would simply authorize the first stage of the SS-25 using a similar first stage of the SS-20. I would take that.

The reason we have this mumble is very obvious: That they did not want to have it highlighted in the treaty. They wanted it obscured—like continuing resolutions that authorize airports in Texas.

If the Senator will change this to simply say notwithstanding the provisions of paragraph 1, the first stage of the SS-20, which is not interchangeable with but is the first stage of the SS-25, is authorized for production under this treaty, I do not see how the Soviets could object to that, and I do not see how we could. But this uses other language and simply takes out the possibility that you can reach that in the opposite direction.

Mr. LUGAR. This Senator would prefer not to change it, and that is the burden of my argument.

Beyond that, even though the Senator asserts having read the negotiating history, that there is potential confusion on this, this is really not the burden of the testimony we have received in the Foreign Relations Committee. We have received testimony that the Soviet Union shares the same understanding of the provision as does the United States and that a meeting of the minds has been reached.

I appreciate that we probably can have an argument on that. But I think it is fair to say that at least that was the burden of the testimony of the administration, and I find it reasonable, as I heard it.

I will yield my time now and go back to the Senator's time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I ask the distinguished Senator from Rhode Island to yield me 3 minutes.

Mr. PELL. I yield 3 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I rose a short time ago to bring to the attention of the Senator from Wyoming that I perceived an ambiguity in his original amendment. I think he now realizes that there was an ambiguity, and it was the ambiguity that gave rise to the argument that the amendment as originally drawn might have banned production of the SS-25, a step which I know the Senator from Wyoming did not wish to take. He has now corrected the amendment, and I understand that the amendment as now amended does not raise any question as to whether or not it would ban the SS-25.

This Senator rose in an effort to help the Senator from Wyoming.

I say to my good friend from Wyoming that he has correctly reflected

the views of the Senate Armed Services Committee. The chairman will soon speak, and I concur in Chairman NUNN's views, as we conferred a moment ago, in the hallway.

I join the Senator from Indiana and the chairman, that I think the question has been raised, and the colloquy helps to provide an additional record for the Senate as to our understanding of the meaning of the treaty, and I do not believe we should at this time have a category-3 type amendment.

Who yields time?

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Georgia.

Mr. NUNN. Mr. President, first let me say that the Senate Armed Services Committee went into this in considerable detail because like the Senator from Wyoming we have been troubled by this language.

I think the Senator from Wyoming raises an important issue, and I think it is a valid point that he is making here.

I think that actually article VI of the treaty is not worded very carefully. I believe that there is at least a double negative and perhaps a triple negative in this drafting.

I went over this in great detail with Ambassador Glitman and he does not see it that way. The administration does not see it that way. He pointed out to us in the Armed Services Committee all sorts of exchanges in the negotiating history that made it apparent to us that there had been a meeting of the minds on this point and that the treaty's vague wording, notwithstanding this, there was a meeting of the minds between the United States and the Soviet Union as to what this provision meant.

But I do not think it is drafted very well and, frankly, I had considered offering what we call in the Senate a category 3 understanding, rather than an amendment to the treaty. I understand the amendment of the Senator from Wyoming is an amendment to the treaty.

I had not considered amending the treaty but, of course, that could be a proper course.

I considered offering the category 3 understanding that would in a formal and legal sense clarify any ambiguity relating to this paragraph. At this late stage of the debate, however, I decided not to go forward with such a condition. I decided to, instead, put a rather complete statement that gets into all the technical details in the RECORD as well as letters from the administration.

Whatever the disposition of the Wallop amendment, whether it is voted in or out, whether it is tabled or not tabled, I think it ought to be clear that we in the Senate are relying on the authoritative testimony of the Reagan administration that the Soviet Union agrees that article VI does not permit them to deploy a second stage of the SS-25 which for intents and

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purposes is the second stage of the SS-20. On our careful review of the negotiating history that indicates that the parties do share a common understanding to this effect. In other words, there should be no question that the administration and the Soviet Union, based on the administration's testimony, have no ambiguity in their clear understanding on this point.

I think the Soviet Union ought to be put on notice, whatever the disposition of the Wallop amendment, that if they were to try to exploit in any way in the future what I consider to be the poor drafting of this provision by deploying a missile with an SS-25 first stage and an SS-20 second stage this would constitute a violation of the INF Treaty as understood and approved by the U.S. Senate.

I do not think there is any question that this would be a violation if they did it.

I do regret that the provision is not clearer. I would have to say that I think the Senator from Wyoming has every right to present this amendment. I do not consider it in any way a delaying amendment or a frivolous amendment or an unimportant amendment. I am not going to vote for it for the reasons I have given.

If anyone is interested in reading the whole history of this in the Armed Services Committee and all the detail we went into, together with some of the references to the negotiating history together with letters that we have secured that have clarified this matter, I think that everyone would agree that it was a matter that needed some clarification.

So, I will not vote for the amendment of the Senator from Wyoming. Having said that, I also think that it should be said that he does raise a legitimate point. I believe that this point is going to be satisfactorily resolved by the clear record in our committee and the clear record that will be made here on the floor regarding this.

Mr. President, I thank the Senator from Rhode Island for yielding.

Mr. WALLOP. Mr. President, what is the situation with regard to time?

The PRESIDING OFFICER. The Senator from Wyoming controls 26 minutes and 18 seconds; the Senator from Rhode Island controls 21 minutes and 36 seconds.

Mr. PELL. Mr. President, I would be prepared to yield back the remainder of my time if the Senator from Wyoming felt the same way.

Mr. WALLOP. In point of fact, I do not yet. I am not trying to delay. I appreciate the statement of the Senator from Georgia that he did not view this as a dilatory amendment or an unserious one. It is really very serious.

I do not know how to penetrate this somnolence that the Senate had found itself in. Literally, everybody who is currently an expert in the field of arms control, not elected, outside the administration, both the left and the

right, view this treaty as dangerous, people from the Kennedy school, Mr. Slocombe, General Scowcroft, Henry Kissinger, Jeane Kirkpatrick, Jim Woosley. The names go on and on.

The least that the Senate can do is to try to make the treaty say what its proponents wish it to say.

The Senate Armed Services Committee's recommendation came out notwithstanding the testimony of Ambassador Glitman. The record was made after he had testified. It was made after Secretary Carlucci had testified. It was made after Ambassador Kampelman. Now they wish somehow or another to reject their own recommendation.

The Senator from Georgia says that he is quite content because there is authoritative testimony from the Reagan administration, and I do not question the authoritative testimony of the Reagan administration.

They would go to any lengths to have this thing made right. They would go to any lengths to say that their Soviet counterparts agreed with them.

It is totally authoritative, so far as it binds our country. But authoritative testimony of the Reagan administration does not bind the Soviet Union. It cannot, however much we want to wish it so. However long we debate in here, it cannot bind the Soviet Union.

If he wished to take advantage of this debate, they can point out that we ourselves said that while we understood it was binding upon ourselves, that it was, in fact, badly drafted, that it was, in fact, clear that it could, in fact, be used to read the authorization to construct both stages of the SS-20 and the SS-25. Why does this worry them?

Ambassador Kampelman says we do not know of any such thing that they would want to. But there is an historical backdrop to this amendment and that is the first two stages of the SS-16, which became the SS-20, a banned missile. It became an authorized missile or a new missile. We watched the Soviets do it.

And the only thing we do not believe the Soviets when they tell us is the truth. Everything else we swallow. But in point of fact historically we see them do this.

What does it take Senators to wake up? What does it take to do our constitutional job? This is no killer amendment. If the authoritative testimony of Ambassador Kampelman, Ambassador Glitman, the Secretary of State, and the Secretary of Defense, about the view of the Soviet Union that all of this is supposed to be read the same way and we share a common understanding, it could not possibly take us 10 minutes to put it right. It is a straw man to say that this is going to require a lengthy negotiating process. This is not the purpose of the Senator from Wyoming.

If it does require a lengthy negotiating process, it is because the Soviet

Union wants to interpret it the way it is permissible under the confusion that the present language presents, no other reason. It is because they want to. They intend to use it that way.

We have been assured that all these high-ranking people who have been closeted with the Soviets for these many months at every level of government say they do not want it that way. How can it take any time to renegotiate? Is the Senate to do its job? The question gets down to be dramatically simple: We have had the distinguished chairman of the Senate Armed Services Committee validate the report of his committee. We have had the distinguished ranking member express his opposition but validate the report of the committee.

The argument is "do not complicate my life." However complicated it may be in 10 years down the road, however dangerous these little oversights might prove to have been 10 years down the road, that is somebody else's complication. That is not ours.

There is no better time than today and now to make certain that the treaty says what we ask it to say. We may never get a chance to address this on the resolution of ratification.

If cloture is filed, it may well be that we cannot even make any conditional understandings on the instrument of ratification.

I say to the distinguished chairman of the Foreign Relations Committee, if the Soviets believe the same as we believe, this one-word change to state precisely what they said they wanted to say in the negotiating record should not take but 5 minutes before the exchange of ratification resolution document. Why do we sleep? Why is this Senate so timid in the exercise of the right that the Founding Fathers gave us 200 years ago? We are celebrating the constitutional bicentennial. The Founding Fathers gave us a role. Clearly, they intended for us to exercise it. And when we can see and when bipartisan people have seen in the exercise of the responsibilities in their committees and have stated that this is a mistake, what holds us back?

For the life of me, I cannot understand the arguments—well, there are no arguments against it. They have not been raised, other than to say we both understand it to mean the same thing. There are no arguments against the provision of the amendment. We are just making a flat statement that, despite the arguments against it, despite the understanding of the Senate Armed Services Committee, despite the AEI report, despite everything else that has been brought to our attention, this Senate will not act. It will not do what the Constitution asks us to do. Those who signed that document must really be wondering what it is that this Senate is about. Those who may have written a book called "Profiles In Courage" may truly wonder if those days are gone forever.

But this does not require courage. This requires us to do what our heads and our hearts tell us is right to do.

This treaty, unlike those which have preceded it, has no terminus. It is in perpetuity. Is the Senate of the United States willing to say in perpetuity, after all this debate, after the reports of the committee, that we are going to let stand an error that we know to exist?

Mr. President, I weep for a Senate that would do that and I weep for a country that has the representation that would permit itself to walk that road, when it knows there is a different path and the argument cannot be made that it is wrong; the argument cannot be made that the amendment is misplaced.

I think I see tea leaves. I am perfectly willing to live by them. I happen to believe in the democratic process that brings us here. But, boy, I wish it would be coupled just once with one tiny element of responsibility to the roles the Founding Fathers asked us to shoulder.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, as has been pointed out, this is a complicated and murky issue. Life is not always a choice of two good choices. Sometimes it is two bad choices. In this case, to remedy this murky wording, we would have to have a reopening of negotiations with the Soviet Union and that could cause us more harm in the end than by clarifying this point here. That is why it is best to clarify it here in the negotiating record.

I am prepared to yield back the remainder of my time whenever the Senator is ready to yield back his time.

Mr. WALLOP. Mr. President, I have been told that one of my colleagues wishes to speak. If he shows up before my time runs out, I will yield that to him. Otherwise, Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask the distinguished Senator from Rhode Island for 1½ minutes.

Mr. PELL. I yield 1½ minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, as I followed this colloquy, representations were made that the Armed Services Committee report to which the Senator from Wyoming referred to came out after assurances were provided by the administration that the U.S. and

U.S.S.R. share a common understanding. For the record, I have just now consulted with Ambassador Glitman and he reminded me that he came before the Armed Services Committee on the 14th of April, some 2 weeks following the issuance of this report. During this hearing Ambassador Glitman gave rather an expanded version of the whole history of this double negative issue. It is that testimony that this Senator relied on in deciding to not take actions commensurate with those mentioned in the Armed Services Committee report and therefore at this time I ask unanimous consent that I might have printed in the RECORD at this juncture certain excerpts from the testimony of Ambassador Glitman on this issue before the Armed Services Committee on April 14.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Ambassador GLITMAN. I appreciate the opportunity, Senator to explain this issue in my own words.

I think we ought to look first at the structure of the article in question. Paragraph 1 of Article VI sets forth a basis prohibition. That is the one we have been talking about, in fact.

Paragraph 2 of Article VI qualifies that basic provision, but that qualification is subject to a proviso. Thus, if the Treaty contained only the first paragraph of Article VI, the first stage of the SS-25 would have to be banned under the INF Treaty because given its outward similarity to the first stage of an SS-20 we would have to count it as an SS-20 first stage.

However, Paragraph 2 of Article VI permits the Soviet Union to produce and possess the first stage of the SS-25, provided that no other stage of that missile is outwardly similar to but not interchangeable with the second stage of the SS-20. The word "notwithstanding" serves to underscore that Paragraph 2 qualifies Paragraph 1. Without it, the relationship between the basic prohibition of Paragraph 1 and the qualification proviso to that prohibition to Paragraph 2 would be less clear.

Secondly, looking at the grammar, by using parallel grammatic construction (for example, by repeating the phrase "outwardly similar to but not interchangeable with) in connection with both stages, Paragraph 2 makes clear that precisely what is permitted in the case of the first stage is prohibited in the case of the second stage. In addition, the fact that this phrase is repeated verbatim shows that it should be read as a whole and not broken down into component grammatical parts.

We and the Soviets agree that this provision would prohibit them from building a second stage of the SS-25 which is outwardly similar to but not interchangeable with the second stage of the SS-20. Furthermore, a stage which is outwardly similar to and interchangeable with an SS-20 stage would be in violation of Article VI, Paragraph 1.

Let us look at the logic. If the parties had wanted to permit more than one stage of a non-Treaty-limited missile to be outwardly similar to but not interchangeable with more than one stage of a Treaty-limited missile, they would have drafted this paragraph in a totally different way.

The fact that this paragraph is drafted as presented in the Treaty rather than providing an unequivocal right to produce more

than one such stage without any proviso clause can only lead to the logical conclusion that the parties intended to prescribe one regime for one outwardly similar to but not interchangeable with stage and another regime for a second stage.

Moreover, since the first clause of Paragraph 2 clearly provides a qualification permitting one such stage, the proviso clause can only mean that the second such stage is not permitted. In addition, the Treaty establishes in Article XI, Paragraph 6, a special monitoring regime to deal with the problem of outwardly similar stages, and in Section 9 of the Protocol on Inspection sets forth the detailed manner in which the monitoring of any final assembly facility for a missile with the one permitted outwardly similar stage can take place.

These provisions make no sense except as a means of verifying that the conditions set forth in Article VI, Paragraph 2, and especially the proviso clause, are being met.

The fact that the parties agreed to Paragraph 6 in Article XI and the Inspection Protocol are prima facie evidence that they both understood that Paragraph 2 of Article VI permitted either party to produce one stage of a non-Treaty-limited GLBM which is outwardly similar to but not interchangeable with a stage of an existing type of intermediate-range GLBM but they could not build a second stage of a non-Treaty-limited GLBM which was outwardly similar to but not interchangeable with another stage of that Treaty-limited missile.

I would note that the Armed Services Committee report itself acknowledges that the United States and the Soviet Union share a common understanding of the meaning and effect of this provision. The report states: "The Committee concluded that there was a meeting of the minds between the United States and the Soviet negotiators that each party has the right to produce a type of GLBM not limited by the Treaty if that missile uses one, but only one stage which is outwardly similar to but not interchangeable with any stage of an existing type of intermediate-range GLBM."

Mr. WARNER. Mr. President, if the Senator will yield me another 10 seconds, I would like to state for the record that this testimony has just been declassified.

Mr. WALLOP. Mr. President, that is one of the privileges of power. They can declassify at will to strike or throw darts at people who have identified their fundamental weakness. Before I yield to the Senator from California, let me just once again express my thanks to the Senator from Virginia for the assistance in clarifying my amendment, which was as inartfully drawn as that which I sought to affect.

Mr. WARNER. Mr. President, I have no better friend than the Senator. I enjoy engaging in a lively colloquy with him, and I thank him for his remarks.

I knew precisely what he was trying to do and yet it was brought to my attention that perhaps the original draft did raise some basis for that assertion that it would be banning the SS-25 missile, and I knew that was not his intention.

Mr. WALLOP. It might have been a subliminal one, I would say to my

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friend. I would like nothing better than to ban as much of the Soviet mis-silery as I could reach, but it was not my purpose in this particular amendment.

Let me just suggest once again that despite Ambassador Glitman's statement, we have no statement from any Soviet, and I think it is incumbent upon this Senate to pay attention to that fact. No Soviet has said that he agrees, publicly, in testimony, with that statement of Ambassador Glitman.

I would also say that the Soviet were the ones in the negotiating record who tried so hard to get us to change this language on the very basis that the Senator from Wyoming seeks to, that it is unclear and ambiguous.

Mr. President, I would yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 4 minutes.

Mr. WILSON. Thank you, Mr. President.

Mr. President, I have followed this debate with great interest. I will tell you that I see no reason not to support the amendment by the Senator from Wyoming. I think he has made a valid point.

The Armed Services Committee came very close to agreeing with that point. What they have decided, instead, is that they think, and so they stated in their report, they have concluded that there was a meeting of the minds.

They reached that conclusion, Mr. President, by resorting to the negotiating record. They were not really satisfied with the authoritative statements of Ambassador Glitman and after resorting to the negotiating record they found that neither were the Soviets, as the Senator from Wyoming has pointed out.

Instead, the Soviets, after repeatedly seeking to change this language, were satisfied by the device noted in the negotiating record of a subsequent statement by Ambassador Glitman that satisfied their purpose. They gained the clarification through a statement that he was authorized to make that achieved their purpose, satisfied them that they could, in fact, according to a common understanding, go forward with construction of a missile that they did not wish to be precluded from developing.

That is, I think, the reason that this amendment would not be a killer amendment. The Soviets have already agreed. What we would be doing here is making a grammatical fix.

The significant thing, Mr. President, perhaps more significant than the amendment itself that is being offered by the Senator from Wyoming, is that it points up the necessity to clarify ambiguities in text of a treaty and specifically of this treaty by resort to the negotiating record; or, if you prefer to call it that, the negotiating history—the history of what actually went on

which is the best evidence, I submit, to clarify and give true meaning to ambiguities in treaty text that is not clear on its face.

Later we will be confronted with the "futuristic" issue. In that instance, the negotiating record was also resorted to because, once again, we did not have clarity in the face of the text itself. But in that instance we found that neither did the negotiating record produce the kind of clarification which is clear in this instance with respect to article 6, paragraph 2.

For that reason, as a result of the excellent work by the Senate Armed Services Committee, and here I again commend the chairman, Mr. NUNN, that this was a requirement that there be an exchange of letters and we have now from the Soviet Union, in the letter of Foreign Secretary Shevardnadze, the understanding that is necessary from both parties—in this instance as really an addendum to a negotiating record. It is something outside the treaty itself, that we are relying upon to resolve the confusion that existed with respect to definitions in this whole issue of futuristic weapons.

Mr. President, I point this up because shortly we will be debating the Biden-Pell amendment to the resolution of ratification which will seek to preclude the Senate from, in future, having resorted to the negotiating record which has been of such enormous importance in resolving these very obvious ambiguities in the face of the text itself.

That, Mr. President, is why the Biden-Pell amendment is a serious mistake. We must never be precluded in the Senate in the performance of the constitutional duty of ratification from being able to look at what the parties actually meant as it is revealed by the record of their negotiation, the history of the negotiation.

So I thank the Senator from Wyoming. He has provided a great service and there is no reason, really, not to support his amendment.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. WALLOP. Mr. President, I again suggest the absence of a quorum with the time to be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, the Senator from Wyoming understands he has approximately 4 minutes left.

The PRESIDING OFFICER. The Senator is correct; 4 minutes and 14 seconds.

Mr. WALLOP. Mr. President, let me try in a closing statement to put some

path of responsibility in front of the Senate.

One, no argument has been raised against this amendment on its face. Its opponents say that the INF Treaty provision it amends is badly drafted and could be read in a way in which the Senator from Wyoming suggests that it must be read. If it can be, it makes no difference whether it can be also read the other way.

All, at best, we are trying to do is solve a compliance problem somewhere down the road in a treaty that has many.

Second, having raised no argument against it, the sustaining view as to why the Senate ought to vote against it is because we have had authoritative statements, we have had testimony, we have had witnesses, and we have had a variety of other things. We have had, I point out to the Senate, no statement from anybody authorized to make such a statement for the Soviet Union.

So whatever statements there are are clearly going to be binding on us. That may be all right because I sincerely doubt that we are going to build two stages of the Pershing II for any future reason. Even if we were to, this Congress would not permit us to. It is not our intent, but it authorizes the Soviet Union to. That is an interesting thing.

Third, the argument raised against it is it is going to complicate lives and needlessly prolong this treaty, but it is made by the same folks who say that both sides agree to the principles embodied in this provision of the treaty and what it sought to do. This will not take any time to negotiate, absolutely will not take any time to negotiate.

Last, I point out again to my colleagues that this treaty is in perpetuity. Our shot at making it clear is today. It becomes the law of the land. It supersedes our Constitution. It is, in fact, a very important step for the Senate to ignore. If it chooses to ignore it, it really has not forsworn any relevant role in the ratification process.

That is why the Founding Fathers thought to put it in front of us. It is why this Senator believes we ought to exercise this in one moment, when even the opponents of the amendment have nothing else to offer other than it might offend the Soviets or needlessly prolong a negotiation at the very moment in time when they say each side has a common and specific understanding of what it is meant to do.

I say to my colleagues, why not make it right while it is within reach? Why not do as the Constitution contemplated we would do? That is, to exercise our will and our intelligence on the process of this treaty.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

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Mr. PELL. What is the time situation?

The PRESIDING OFFICER. The Senator from Wyoming has yielded back his remaining time. The Senator from Rhode Island controls 15 minutes and 26 seconds.

Mr. PELL. I intend to yield back my time in a moment. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Dixon). Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that the pending Wallop amendment be set aside and that a vote occur on it at a quarter to 6.

Mr. WALLOP. Mr. President, will the Senator be good enough, if it is to be set aside, that we might be permitted, say, 10 minutes equally divided at that moment to make a final argument on it?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, reserving the right to object, would the Wallop amendment be open to amendment?

The PRESIDING OFFICER. Amendments would be in order.

Mr. BYRD. The amendment would not—

The PRESIDING OFFICER. Unless precluded, amendments would be in order.

Mr. BYRD. An amendment to the Wallop amendment would not be required to be germane by any order that has been entered up to now?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. We better include in the unanimous-consent request that no amendment to the Wallop amendment be in order.

Mr. PELL. I thank the leader for the suggestion.

Mr. WALLOP. Mr. President, I am not trying to delay here, but as I understood it, I have been requested to set aside this amendment on the idea that something may be able to be worked out. Were that something to be an amendment, we would be in a funny spot.

I do not know; it is the Republican leader and the Secretary of State who are seeking this delay, not the Senator from Wyoming. So it may be that they want an amendment to it or something.

It is not my intention to place an amendment on it or anything. I would be happy to go to a vote right now. I at their request have agreed to set it aside.

Mr. PELL. I think perhaps the better way of phrasing my unanimous-consent request would be that I ask

unanimous consent to temporarily lay aside the amendment of the Senator from Wyoming, and then we will call it up at the appropriate time.

Mr. WALLOP. Would that permit the Senator from Wyoming to make an argument on behalf of whatever resolution of it has come about, or at least to make another short closing statement?

Mr. PELL. If it is not more than 10 minutes.

Mr. LUGAR. Will the Senator yield?

Mr. PELL. I yield to the Senator from Indiana.

Mr. LUGAR. I would like to pose this question or thought of clarification. As I understand, the desire of the Republican leader and perhaps the Secretary of State is to consult with the distinguished Senator from Wyoming with the thought that perhaps the importance of his idea might be incorporated in some other way than an amendment to the treaty text. In the event that that is not successful, my understanding is that at quarter to 6 the Senator's amendment would recur but it would still be an amendment to the treaty and under those conditions some of us who have opposed it would still be opposed. The hope is that something other than an amendment to the text of the treaty might be formulated in that intervening period.

Mr. PELL. That is our hope, yes.

Mr. WALLOP. I am certain this treaty, immaculately conceived, need not be sullied by some common sense in here, but it is still my hope that we can come up with something that makes sense and is binding on both governments.

The PRESIDING OFFICER. The unanimous consent request of the Senator from Rhode Island is that the amendment be set aside temporarily. Is there any objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. PELL. What is the pending business?

The PRESIDING OFFICER. The Senator from Rhode Island is advised that the amendment of the Senator from North Carolina is the pending business.

Mr. PELL. According to the previous understanding, I move, in association with the Senator from Indiana, to table that amendment.

Mr. LUGAR. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from South Dakota [Mr. DASCHLE], the Senator

from Hawaii [Mr. INOUE], and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the senator from New York [Mr. MOYNIHAN], would vote "yea."

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 13, as follows:

[Rollcall Vote No. 152 Ex.]

YEAS—81

Adams	Ford	Nickles
Armstrong	Fowler	Nunn
Baucus	Glenn	Packwood
Bentsen	Gore	Pell
Bingaman	Graham	Pressler
Bond	Gramm	Proxmire
Boren	Harkin	Pryor
Boschwitz	Hatfield	Quayle
Bradley	Heflin	Reid
Breaux	Heinz	Riegle
Bumpers	Johnston	Rockefeller
Burdick	Karnes	Roth
Byrd	Kassebaum	Rudman
Chafee	Kasten	Sanford
Cochran	Kennedy	Sarbanes
Cohen	Kerry	Sasser
Conrad	Lautenberg	Simon
Cranston	Leahy	Simpson
Danforth	Levin	Specter
DeConcini	Lugar	Stafford
Dixon	Matsunaga	Stennis
Dodd	McConnell	Stevens
Dole	Melcher	Trible
Domenici	Metzenbaum	Warner
Durenberger	Mikulski	Weicker
Evans	Mitchell	Wilson
Exon	Murkowski	Wirth

NAYS—13

D'Amato	Helms	Symms
Garn	Hollings	Thurmond
Grassley	Humphrey	Wallop
Hatch	McClure	
Hecht	Shelby	

NOT VOTING—6

Biden	Daschle	McCain
Chiles	Inouye	Moynihan

So the motion to lay on the table amendment No. 2113 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2016

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question recurs on the amendment by the Senator from Wyoming [Mr. WALLOP].

Mr. PELL. I ask unanimous consent that that amendment be temporarily laid aside.

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

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The Senator from Rhode Island controls the remainder of the time on this amendment.

Mr. PELL. I am prepared to yield back my time.

The PRESIDING OFFICER. Is the Senator from Rhode Island yielding back his time?

Mr. PELL. I reserve 1 minute.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 1 minute and 3 seconds.

Mr. PELL. I yield back my time, and I move to table the amendment of the Senator from Wyoming.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Wyoming. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Hawaii [Mr. INOUE], the Senator from New York [Mr. MOYNIHAN] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 68, nays 26, as follows:

[Rollcall Vote No. 153 Ex.]

YEAS—68

Adams	Exon	Mitchell
Baucus	Ford	Packwood
Bentsen	Fowler	Pell
Bingaman	Garn	Proxmire
Bond	Glenn	Pryor
Boren	Gore	Reid
Boschwitz	Graham	Riegle
Bradley	Harkin	Rockefeller
Breaux	Hatfield	Roth
Bumpers	Helms	Rudman
Burdick	Johnston	Sanford
Chafee	Kassebaum	Sarbanes
Cohen	Kennedy	Sasser
Conrad	Kerry	Simon
Cranston	Lautenberg	Specter
Danforth	Leahy	Stafford
Daschle	Levin	Stennis
Dixon	Lugar	Stevens
Dodd	Matsunaga	Trible
Dole	McConnell	Warner
Domenici	Melcher	Welcker
Durenberger	Metzenbaum	Wirth
Evans	Mikulski	

NAYS—26

Armstrong	Heflin	Pressler
Byrd	Helms	Quayle
Cochran	Hollings	Shelby
D'Amato	Humphrey	Simpson
DeConcini	Karnes	Symms
Gramm	Kasten	Thurmond
Grassley	McClure	Wallop
Hatch	Murkowski	Wilson
Hecht	Nickles	

NOT VOTING—6

Biden	Inouye	Moynihan
Chiles	McCain	Nunn

So the motion to table the amendment (No. 2106, as modified) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP. Mr. President, I wish I could confess surprise at the vote. But I want to tell the Senate what that vote was. The Senate was not against what the amendment did. The Senate was against doing the amendment. No argument was raised against the amendment, except doing it. The logic of it was supported by the distinguished Senator, the chairman of the Armed Services Committee. The logic of it was supported by Senator WARNER. The logic of it was supported by the English language. But the Senate is sleepwalking, and that is all right.

I said in my opening remarks that the Senate was operating under a state of suspended judgment and that the only thing being tried here was the patience of those who wished to get this process behind them, not the merits of the treaty. I think we just saw that amply demonstrated.

It was the right thing to do to make the treaty say what everybody agrees the parties to it said it ought to say. It is the wrong thing to do to say that this document is so purely conceived and so immaculately presented that it cannot, under any set of circumstances, be changed.

What must the Soviets be thinking of us, that this Senate would literally panic at the knees of the Great Bear? And that is just what happened. It was not that it was an illogical thing to do. It was that it was an awkward thing to do.

As we celebrate 200 years of our Constitution and the trust the Founding Fathers put in this body to exercise judgment, I hope that Senators are not walking out of this room today with their heads held high.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I thank the Chair and I thank my good friend from New Hampshire. I know he was going to go with an amendment. I indicated I had a statement I wanted to make and he said it was fine

with him if I went first. The statement might be 20 or 30 minutes in length.

Mr. President, could I ask one of the pages to pass out some charts that I have here?

Mr. President, we have been hearing statements the last few days on this treaty on a great variety of subjects, including the treaty, but obviously not limited to it, not limited to some of the reservations and some of the amendments, whether or not Russia can be trusted, whether or not they are going to squirrel away and hide S-20 missiles.

I think, on occasion, that begs the issue of the opportunity that this treaty presents. I am not one to say that Russia is to be henceforth trusted and loved; that overnight they have changed when General Secretary Gorbachev became the General Secretary; that suddenly Russia has given up 1,000 years of history. And I use "Russia" in the traditional sense of a geographic entity, not the Soviet Union, which is, of course, the government since 1917, but traditionally Russia.

Have they, for some reason, changed in the last 2 or 3 years what were historic ambitions of theirs? Can they now be trusted in terms of imperialism? Can they now be trusted in terms of keeping their word on missiles when there are many other treaties—some with us—that they have broken in the past, or at least not observed fully, some they have just out and out broken? Consider the then-countries of Latvia, Lithuania and Estonia when, at the end of World War I, Russia promised them their freedom, left them, said we will never again bother you. We do not need to call to the attention of this body what happened to those states when Russia out and out violated the treaties and reoccupied them.

In fact, one of the best arguments I have ever heard in this body about whether or not the Russians can be trusted occurred not during this debate. In fact, it would have been 19 years ago this summer, in August of 1969, when we were debating the antiballistic missile expansion—not the treaty; that did not come until a number of years later—whether or not we should continue research and development on the antiballistic missile. The argument was that if we were to continue to build that missile, we would not be able to reach any accommodation with the Soviets. They have indicated if we were going to go ahead with it, they would have no interest in entering into a treaty on that matter.

The reason I mention this particular vote in 1969 is because I think it has some bearing on what our position is going to have to be in the future, vis-a-vis the present Soviet Government, if we ratify this treaty. And I plan to vote for the ratification.

But I well remember the debate in 1969 on this treaty. It was on August

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6, 6 hours, closed session. We had lots of other debate, but this was a closed session—no press, no clerks, no report of what went on during the debate. There were 99 Senators here for the debate. One was ill that day. Six hours of limited time divided between the principal proponent and the principal opponent of the antiballistic missile system. The principal proponent being Senator Henry Jackson of Washington; the principal opponent being Senator Stuart Symington of Missouri. Both high-ranking members on the Armed Services Committee, both having access to exactly the same information, both coming down absolutely opposite in their conclusions—Senator Jackson saying, “build it”; Senator Symington saying “kill it.”

Senator Symington spoke first. I remember his being close to the back door over there. He had a series of classified charts from the Pentagon, talking about the status of Russian military development at that time. He went through these charts one at a time in a brilliant hour-long opening speech. You could just see the logic starting from generalities and moving down and moving down to specifics, until he came right down to the end and said, “that is why we should not continue on with the antiballistic missile.”

I thought to myself: That is the end; that is the end of the antiballistic missile. No one could rebut that.

Then Senator Jackson got up and took his opening hour's statement. He started with the last chart that Senator Symington had used. He said, “Now let me take you one or two charts further than my good friend from Missouri.” He started to turn the charts as to where the Russians were in terms of building their missiles, what would happen if they continued on the track that they were on and we did not go ahead with the antiballistic missile. His argument was an absolute pillar of logic, starting from generalizations to specifics to conclusion. When he finished, I thought: That is it. We are going to have an antiballistic missile system. No one could rebut that argument.

Then Senators Symington and Jackson asked questions back and forth like two great fencers. Each of them knew the answer to the question they were asking. Each of them trying to parry and thrust and pin the other if they could on the answer. And it was really a pleasure and a treat to watch two giants of this body, before 97 Senators, arguing.

They finished their questions and answers of each other and then it fell to the other Senators to ask them questions. After a few questions of one or the other I remember Senator Fulbright, who sat up closer to the front, turned and looked back to the Senator from Washington, Senator Jackson, and he said, “Would my good friend and colleague, my friend from Washington, yield for a question?”

Jackson, of course, nodded he would. Senator Fulbright said:

I do not know if my good friend from Washington has had a chance to digest the words of the Russian Foreign Minister Mr. Gromyko in his speech in Warsaw last week in which he indicated that the Soviet Union wanted to reach a new era of detente, friendship, cordiality with the United States. Did my friend from Washington think before we rush pell mell into this unproven antiballistic missile system, we should give some little credence to the words of the Russian Foreign Minister?

Senator Jackson shot back, he pointed at Senator Fulbright, and he said: “Let me call to memory for my friend from Arkansas”—and then he paused and he looked around the room at the other Senators, and I can remember his gesture when he said, “and to the others who were not here that morning in October of 1962 when then-President Kennedy called Russian Foreign Minister Gromyko, who happened to be in Washington for a meeting with President Kennedy, into his office.” He asked Foreign Minister Gromyko if the Russians had any missiles in Cuba? No. Had any Russian missiles been transported to Cuba on third party ships? No. Were there any Eastern bloc manufactured missiles that had been taken to Cuba on Russian ships or otherwise? No. Were there any troops, Russian troops in Cuba manning any missiles? No.

Then again I remember Senator Jackson's gesture as he reached his hand out, as he said; “then the President opened the drawer of his desk, took out the pictures from the U-2 and threw them in front of Foreign Minister Gromyko, showing the Russian ships, showing the missiles in place in Cuba, showing the Russian troops on the ground.”

Andrei Gromyko left that room an acknowledged liar. Then Senator Jackson smiled and he said, “now, if my good friend from Arkansas wants to rest the security of this country on the credibility of Andrei Gromyko that is his business. I would not ask a single Member of this Senate to sleep easy tonight because they thought they could trust that man's word.”

You have seldom seen a more dramatic moment, or I think a more telling moment, because there were still five to six unannounced, perhaps undecided votes as to whether we would build an antiballistic missile system. The vote subsequently came. The motion was to strike out of the bill the money for the building of the system. And that was defeated on a 50 to 50 tie vote; actually 50 for—51 nays with Vice President Agnew breaking the tie.

And on a subsequent vote shortly thereafter to stop all money for deployment, defeated 51 to 49. And I am convinced to this day that it was because of Senator Jackson's argument that if you want to place the security of this country on the credibility of Andrei Gromyko, go ahead.

The reason I tell that story is I have listened to the debate here. I have

heard over and over repeated by a variety of proponents of different amendments, can we, should be trust the Soviets? And I would hope the answer to that would be: no, if you mean can be trust them without any further proof based upon past actions that they will necessarily observe their word. I think we would be foolish, and I emphasize again I am going to vote for this treaty, I think we would be foolish to vote for this treaty solely on the basis that they would keep their word.

But I think there are other and more compelling circumstances that justify a vote for this treaty. Because the world has changed since that summer in 1969 when we voted to continue production of the antiballistic missile. And I might add we voted to continue it, the House did, President Nixon signed it. He then negotiated an ABM Treaty with the Soviets and we never went ahead with all but a very limited system, and the Soviets went ahead with what is a very limited system. But everyone in retrospect now says we would not have gotten that treaty but for our voting to go ahead.

Well, now it is 1988. What circumstances have changed between then and now? One of the circumstances that has changed dramatically is the relative change in the growth of different countries throughout the world. Russia is stagnant, marginally growing if at all. The United States is outstripping Russia by far. It is not even close.

China's gross national product will exceed Russia's shortly after the turn of the century.

Japan will exceed them by 1990.

Combined, the United Kingdom, France, and West Germany now exceed Russia in gross national product.

I have left a chart on each of the Members' desks prepared by the Rand Corp. The Rand Corp. is a well-known think tank that does a great deal of economic, military, and other research. It is credible. I had initially asked the Library of Congress to do the chart. The Library of Congress, frankly, said they did not have the capacity, the computer capacity to do it, but they knew that the Rand Corp. was working on such a study. They put me in touch with the particular doctor, a Rand expert, Dr. Charles Wolf, who was doing the research.

The figures that you see are the Rand studies. These studies fully indicate what is happening to the Soviet gross national product, vis-a-vis all of the other countries I mentioned.

Perhaps the most interesting list, you will see at the bottom, is an aggregation of six countries: India, South Korea, Taiwan, Brazil, Turkey, and Mexico. These are not countries that we normally think of individually or collectively as giants. But those six countries, by 1990, will equal Russia's

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gross national product and after that exceed it.

So, Russia is in a bind and I think the fact that they are in a bind economically, that they are stagnant, is the difference between now and 1969; and this gives us an opportunity that we are not likely to see again and we ought to seize.

If you go back in history and you look at the sequence of the growth of liberty, democracy, freedom as we might know it, there is almost a determinist pattern. It is commerce—commerce and markets, free enterprise as we might call it now; and then arts; and then democracy.

Where you can see it first was in the renaissance. Commerce did come first. It started in the late 1100's, early 1200's. It started in those Italian city-states, namely Florence, Genoa, and Venice. These were then independent city-states, not necessarily democracies. But it was about that period of time that commerce began to flow between the Levant—the Middle East—and Italy, and then between Italy and Northern Europe.

Italy was more or less the transshipment point so that ships could come from Hanover, London, Stockholm, Oslo—come down to Italy, offload whatever they had to sell, pick up goods coming back from the Middle East, and take them back.

After about a century of that kind of economic growth and competition, I might emphasize, because Florence, just as cities today compete with the Federal Government to get grants so that they can try to get some business away from some other town to locate in their town, they had the same kind of competition between the Italian city-states in those days. Florence would consider it a great plus if Florence could steal business from Genoa, or Genoa steal business from Venice or they could all steal business from Rome.

As you had this flowering of commercial intellect, a century or so after it you began to have the Michelangelos, the da Vincis, the loosening of intellectual, artistic pursuit. Much of it initially financed and generated by the monied classes of those Italian city-states, each one vying with the other for the greatest painters, the greatest artists, the greatest architecture, and by and large giving most of those artists a much freer hand than they had ever had before.

A century or so after the artists had begun to question whether or not the established 500 years of art, up until 1300 or 1400, was the way art should be done, you began to have political writers and philosophers questioning whether the present form of government, obviously very daintily suggested, which, of course, was always monarchical, was necessarily the best form of government.

Then over the years, you would gladly see this type of commerce, art, democracy—at least in thinking, not

quite in practice yet—move to the Northern European states. It did come later to France, Germany, England, the Scandinavian countries, and then it came to Italy. But come it did, and you can see that pattern over and over—1500, 1600, 1700, commerce first, art second, democracy third.

For the moment, let us skip several centuries because this is where I think the opportunity is on our side and not on the Soviet's side, and let us bring it up to our era. For most in this Senate, although not all, but for most, to the extent they remember a period of war or service in war, it was World War II. When people of an age of 50 years or older say the war, they normally mean World War II.

That is an interesting point of reference because from World War II onward, except in a few areas where the Soviet Government has been willing to place troops, they have not done very well in terms of expanding their empire.

Take a look first at our enemies in World War II: Germany, Japan, Italy, prostrate at the end of World War II; factories gone, countries destroyed. They are today, of course, flourishing commercial enterprises. All democracies.

Then you take a look across Europe, Spain, Portugal, Turkey, Greece, all democracies today, all doing reasonably well at commerce, some better than others. Portugal particularly doing quite well now. Again, they have moved from dictatorship to democracy.

The only place where dictatorships flourish now in Europe are in those areas where the Russians have kept their troops fully implanted in Europe, knowing full well if they were ever to take their troops out, Poland, Hungary, Romania, Czechoslovakia, East Germany—all of them—would probably overthrow their Communist Governments and align with the West.

Or you can take a look at Latin America, and here America itself, the United States ought to be very proud. Just 20 years ago you could number on one hand the democracies that existed in all of Latin America. Today we are hard pressed to number on one hand the dictatorships. We have seen Argentina, Brazil, Bolivia, two or three countries in Central America, most of Latin America move from dictatorship to democracy.

The Far East or the Philippines: fragile. Korea, I think, has already turned the corner and will permanently, I think, turn the corner and will not go back to dictatorship. I predict within 5 years, Taiwan will do the same, and they will move from their current autocracy to democracy. Then I think a decade after that, Singapore, Malaysia, and the other so-called tigers of Asia, these dynamic little commercial countries that have been booming for the last 10, 15, 20 years, all of them in that period that you can

trace again from the Renaissance onward—commerce, art, democracy.

To further accelerate that trend, I think our foreign policy ought to simply be this, simply to say: live and let live. We are not going to try to overthrow governments we do not like, so long as they confine themselves within their own boundaries and do not invade their neighbors, either overtly by across-the-border invasions or covertly by supporting rebels and attempting to overthrow neighboring governments.

So long as we will follow that policy, time is not on the side of the Soviets. Time is on the side of the market system, for example, for commerce, and the flourishing of the arts and the expansion of democracy.

Just as Gutenberg 500 years ago made it very difficult for dictators, when he invented movable type, to suppress books because now they became too easy to print and duplicate, so does now the satellite dish make it almost impossible for any but the largest geographic dictatorships to keep their rural peasants or urban laborers in the dark as to what is going on in neighboring countries.

There may be in central Siberia or central China peasants who are still unaware of the progress being made elsewhere. But I will wager there is not in any town in Nicaragua or Eastern Europe or Cuba a lack of information as to what is happening in Costa Rica or Bolivia or Brazil or the fact that free governments, with market-oriented economies are making progress faster than Communist dictatorships.

Let us now bring it right home to Russia. I speak of Russia and not the Soviet Union. This is where I say we would be unwise to assume that Russia has changed without any further evidence. There is sufficient evidence of a change that they are going to try that I think we should encourage them to move in that direction for reasons that I will conclude a bit later.

First, when we say that the Soviet Union or Russia—again, I emphasize the Soviet Union is Russia since 1917; Russia is Russia and has been Russia for 1,000 years. Russia is and was imperialistic. Most of the things that the Communist Party, the Soviets have achieved were not new Communist desires. These were Russian desires long before the Communists ever came on the scene. If Russia did not change, they would be Russian desires long after the Communists disappeared from the scene.

I talked earlier about Latvia, Lithuania, and Estonia, which Russia occupied in 1721 and kept for several centuries. They finally gave them their freedom after World War I and took it back in World War II. Those were not new desires the Communists undertook. Those have been czarist desires for centuries.

When you look at the history of the Muscovite dynasty as it moved out from around Moscow absorbing foreign peoples—the Georgians, the Armenians, the natives of Siberia, the Ukrainians, these were not ethnic Russian areas in the normal sense of the word. This was czarist Russia expanding, expanding, expanding. Russia had always wanted their Slavic buffers, their Poles, their Hungaries, their Romanians. They always wanted, long before the Communists came on the scene, the buffer outside old imperial Russia to give them a little protection from the Germans, the French, and the others whom they did not trust.

Afghanistan: Nothing new. Russia tried twice in the 19th century to poke and to prod into it. Great Britain stopped them on both occasions, but the occupation a decade ago of Afghanistan by the Communists was not a new policy, and they are pulling out. They decided it was not worth it.

The Dardanelles and the Bosphorus, those two chokepoints on the Black Sea, for 500 years Russia wanted them, but never got them; the warm waterport on the Indian Ocean, again a czarist desire to centuries. At the end of World War II, Russia occupied part of Iran. The port they wanted was part of Iran. Great Britain and the United States forced them out.

(Mr. LEAHY assumed the chair.)

Mr. PACKWOOD. Really, about the only thing that ever changed when Russia became Communist, when Russia became Soviet, is that their interests, their imperialistic interests leapfrogged into their contiguous boundaries. Up to that point, while they always bounded Russia, whether it was the Slavic countries or the windows on the Baltic in the west, or Afghanistan in the south, or the warm water port in the south, or Siberia on the east, they abutted Russia, and in 1917 when the Soviets took over, Russia thought to itself if Germany can have an overseas empire and if Great Britain can have an overseas empire and if France can have an overseas empire, we can have an overseas empire. And it was at that stage that their covetous eyes began to go beyond their boundaries.

But now I want to come back again to the situation where it is now. First, can we say that Russia has changed, that they no longer have those desires simply because they are pulling out of Afghanistan? I am not sure we can say that yet. But what we can say without any question is that Russia is failing economically. If over the next decade or generation Russia cannot do better economically than she has done in the past, then Russia will cease to be a major world power. She will be a significant regional power, but she will cease to be a major world power. She will no longer be a danger at our throat. She may be thorn in our side but not a serious menace as an international competitor if she cannot change.

What she is up against is the imperative that Prof. Paul Kennedy in his book the "Rise and Fall of Great Power" so clearly and I think correctly points out. He analyzes the history of powers in the world for the last 500 years, roughly from the time of Philip II of Spain onward, why certain countries grow, flourish and then diminish. What he concludes is this: Every country that became great wanted some empire, wanted more of its contiguous neighbors' land and peoples. They began to move outward. But unless their economies grew as well as their empires, pretty soon they could not afford the empire because the keeping of an empire is an expensive proposition.

Empires do not normally produce money for the imperialistic country; they cost the imperialistic country money. Just as Philip II and Spain could not translate their glory into another decade, another generation, another century, neither eventually could France, neither eventually could Great Britain. As Professor Kennedy would say, neither can Russia if they cannot do any better economically than they are doing now.

So what Russia finds is that it has on its hands Cuba, Nicaragua, Afghanistan, Angola, Eastern Europe, all of which are costing Russia dearly in terms of money, rubles, military expense. We think our military is a burden. We are spending 6 to 6½ percent of our gross national product on the military. We had estimated up until 3 or 4 years ago that Russia was spending 13 to 14 percent of their gross national product on the military. But recent studies would indicate that we underestimated that percentage. Russia's economy has not been growing and so the percentage of the economy that is military is probably more likely 18 to 20 percent against our 6 percent. And this is against our 6 percent in an economy that is growing sensationally far outstripping the Soviet Union.

The worst thing that can happen to Russia is to encourage an arms race with the United States; we will run them off the board. They cannot keep up financially. So it is in our interest to encourage Russia not to keep up and if, in order to encourage them to do that, we have to enter into treaties by which we will both agree to reduce the threat of military devastation that we each have in our control, that is in our interest.

So Russia is going to try something called "perestroika." General Secretary Gorbachev is going to attempt to do something that no other Russian leader, czarist or Communist, has been able to succeed at. He is going to attempt to reduce the Russian military budget and to cut back on Russian military commitments, pull out of Afghanistan, and enter into an INF Treaty with us. There are some rumors that he would like to enter into a strategic arms treaty in addition

and put that money back into the Russian economy. Only it is not going to be enough just to take the money out of the military and put it into an economy without economic reforms because that will just be pouring money down a rathole. And General Secretary Gorbachev certainly faces opposition in his own country.

Imagine you are a 55-year-old Russian general. You went to the military academy. You saw a little bit of service possibly at the end of World War II and you have worked your way up until you are the Russian tank commander. And now comes General Secretary Gorbachev who says:

Now, General, don't you worry; we are going to take some of your tanks away. We are going to put the money that we save into the economy, but 20 years from now when the economy grows again you will get your tanks back plus interest.

And he says:

That's wonderful; I have been in this army for 35 years. I finally made it to tank commander of the whole army and now you are going to tell me you are going to take my tanks away at age 55 and in 20 years I get them back. I don't think I like that deal.

The military has always had a position of paramount influence in Russia under the czars or under the Communists, but as I say, it is not enough. It is not enough to take the money away from the military if you cannot make your domestic economy grow.

And here comes the second rung of opposition to perestroika. You are a 55-year-old factory manager who has spent all of his life in the corporate bureaucracy, or its equivalent in Russia. You have never had to count any of your input as costs and you have not had to sell anything that you make. The government provides you with the inventory and the input and the Russian Government takes your product.

All you have to do is manufacture to a quota. Now General Secretary Gorbachev comes and says to the factory manager, "That sweetheart deal is over. Henceforth, inventory counts as cost. You cannot stack it up outside the gates of the factory. The input of labor counts as a cost. Transportation counts as a cost. That is all going to go into the cost of running this factory.

Henceforth, you are going to have to make something that people want to buy. It is no longer good enough that the government takes everything you make. Here is your quota. Make 1,000 bathing suits a day, make 365,000 bathing suits a year and give them to the government. Henceforth, if you make bathing suits, you better make the kind that people want, the kind that you can sell. If you can't sell bathing suits, you better make shirts. If that won't do, you better try socks. But if you can't make something that the people want, this factory may close. And you are going to be out of business.

Well, the 55-year-old factory manager is not very wild about the system

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either. So he calls the 55-year-old general and says, "This guy is nuts. He is trying to upset a cushy deal that we all had. He is trying to upset an establishment we have now had for 70 years under the Communists and thousands of years under the czars. Maybe he ought to go," just as Khrushchev went a little overboard 20 years ago when he tried reforms that do not hold a candle to what Gorbachev is trying.

So I think it is in our interests to encourage Gorbachev to try and succeed because, remember, the sequence: commerce, arts, democracy. Party Secretary Gorbachev is going to have a very difficult time putting into effect economic freedoms: the right of the factory manager to change from bathing suits to shirts or sock; the right of the factory manager to dismiss lazy employees, the right of the factory manager to reward better employees with more salary incentives than inferior employees. It is difficult to lose all of those market forces without at the same time beginning to lose choreographers of ballet, the writers of opera, novelists, dramatists, who will begin an intellectual ferment in Russia that you can already see happening.

And once you have loosed that ferment, then it is not far behind that the demand will come for democracy. That is in our interest because by and large in this century it is not democracies that invade their neighbors. There is an exception or two, but as a generalization who invades whom? It is usually dictatorships that invade democracies or perhaps neighboring dictatorships. It is easy to understand why. In a democracy, if you do not like the government, you vote the government out. That may not solve the problems. It just may change the leaders who also do not solve the problems. But, if you do not like the new leaders, you vote them out at the next election. At least it gives you some sense of psychological satisfaction that you can turn the government out.

Dictators do not like to be turned out. And when they face domestic turmoil they try to turn the attention of their people's overseas or next door, or invade something or somebody to get their people's minds off their problems.

So carefully we ought to nurture this effort in Russia to develop some kind of commerce. It will not be a market in the sense we understand marketing. We cannot expect in 5 years, 10 years, 15 years, 20 years, General Secretary Gorbachev to be able to overturn a thousand years of Russian history—I emphasize a thousand years of no market economy, a thousand years of repression, in terms of civil liberties and commerce, a thousand years of imperialism. But it is in our interest that he try. Because if perestroika fails, that could be for an interim period the most dangerous time. It is one thing if they never tried it, never try it, and the country just

continues to stagnate, go downhill, downhill, downhill, economically until it gradually withers and disappears as a major world power. But as it is going downhill, you have done nothing to disturb the entrenched military bureaucracy or Communist Party officials. They have just diminished. Never to have tried is one thing. But it is another if they try it and fail.

If Gorbachev succeeds in temporarily overcoming the 55-year-old general, and the 55-year-old factory manager, and tries perestroika and it fails, and all those in Russia will say, "I told you so, I told you we couldn't trust this nut, I told you we should have thrown him out 10 years ago, now look where we are. We are further behind now because we listened to him. Now we have Poland in revolt, Hungary in revolt again, and we will have to send in our troops." And they will try it as a last-ditch striking out in an effort to save a failing system.

So it is in our interest to attempt to help Russia, not just encourage, but help them attempt this passage from dictatorship and no market to market, and then arts, and then democracy.

Here is where I end where I started. Can we assume that this will happen in Russia next year, in 5 years, in a decade, in a generation? You cannot assume. And here is some of the best advice I have ever had since I have been in government. It comes from Max Kampelman, our principal arms negotiator. I have been fortunate to have Max more or less take me under his wing. I would like to say as a protégé, but that perhaps is an overstatement, but certainly as an adviser, and I have known him for a good many years, more since he has been our arms negotiator.

But I remember in 1981 when he was talking about the cruise missiles and the Pershings, the missiles that we were going to put in Europe. These are the midrange missiles that are now going to be taken out under the INF Treaty. We were negotiating their deployment with the Russians in Geneva. They said, "If you put in those Pershings and cruise missiles, it is the end of the arms talks. We are walking out. We are leaving." President Reagan directed Max Kampelman and said, "Well, so be it." It is 1981, the President saying through Max Kampelman, "We will make you a deal. We will give you a zero-zero option. We won't even put in the Pershings and cruises, if you will take out your SS-20's and equivalent missiles."

The Russians said, "No deal, we won't do that."

So we say, "OK, we are going to start to put them in."

As we start to put in our midrange missiles, Russia walks out of the Geneva talks. And I remember Max saying to me, he said, "You watch Bob." He said, "Within 18 months they will be back." Sure enough, 16 months later they came back when

they saw we were serious. And then we began to negotiate the INF Treaty.

Today we have the INF Treaty before us, and I hope we will ratify it. We would not have gotten it had we not been willing to put in the Pershings and cruise missiles any more than we would have gotten the ABM Treaty had we not been willing to go ahead with the ABM system. But we have gotten 7 years later what the Russians could have had in 1981 had they just said yes to the zero-zero option.

But now I will conclude as follows: again, I will quote Max Kampelman. He says, "Bob, we will not know over the next 5 or 10 years whether these agreements that we have entered into will be observed in full by the Russians." We can monitor them. We can verify them. It does not mean they will not cheat and we must be alert. But this will help them to move toward a change in the internal economy of the Soviets and hope we move toward democracy." Then he said "The realities for the West will not be Russia." He said "The realities of the next 30 years is going to be in the West because Russian is going to try perestroika." There is not much we can do about that. Their leader may be thrown out. We would not get to try it. Maybe he will be thrown out, and we will get to try it. But from the outside there is not much we can do about his desire to want to try it. During those 30 years we will have to stand firm, and we will have to spend on our military on a level appropriate to assure that Russia has not changed because we will not know in our generation, General Secretary Gorbachev's, or Max Kampelman's, or probably mine whether they have changed.

It will be most difficult for us to stand firm and spend an adequate amount, and especially spend an adequate amount if we have this continual debate with our European allies about whether they are spending sufficiently on NATO, because Max called another interesting fact to my attention. He said, "You know, since 1945 there has been no major war between major powers in Europe." He said, "You know, that is the longest period of time since the end of the Hundred Years War over 500 years ago that one major European power has not been attacking another major European power." He did not always mean France and Germany or Germany and Russia because in that 500 years you have had other great European powers. Sweden and Denmark were great European powers at one time. But now we have had the longest period of peace in the history of Europe in 500 years.

Max would say was it because of NATO? Was it because of the money that we put in? That is an argument that is not provable because you cannot know what would have happened had we not put the money in. But we do know this: Had we not put

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the money into NATO, had we not stood for parity over those years, and had there been another war in Europe and had we gone to the rescue of Europe again as we did in World War I and II, it would have cost us infinitely more than all of the money 10 times over that we have spent on NATO. So all we can do is be patient. It is not an easy trait for this country.

We are a wonderful, engineering, excitable, can-do country. We can put a man on the Moon in 10 years. Whether we can stick to a foreign policy for 50 years is another matter.

I do know this: if we will follow the foreign policy that says, "Live and let live. We will not invade you. You just stay within your boundaries. Don't invade your neighbor. Don't subvert your neighbor. Don't try to overthrow your neighbor. Just confine yourself to your country and run your country as you want"—if we can stick with that policy for 50 years, then I think there is no question but that time is on our side and the side of democracy, rather than on the side of dictatorship.

I think the signing and the ratifying of the INF treaty is a step—not a mile race, a step—for giving Russia the chance to move toward commerce, then arts, then democracy. She may not succeed at it; and if she fails, it will be unfortunate for us. But I do know this: Fail or not, time is on our side.

There is no question but that the United States and our Western European allies and our burgeoning coterie of Far East Asian allies can outrun—if necessary, outgun—the Soviet Union. I would prefer that we do not have to do that, but we have the capacity, if we have to. I would prefer our contest with them be our form of government against theirs, our form of commerce against theirs, because it is no longer Russia versus the United States. It really is now the United States, Western Europe, Japan, Korea, Taiwan, Singapore, Malaysia, India, Pakistan, Turkey, Mexico—all surrounding the giant that is trembling, shaking.

So I would say it is in our interest to try this treaty. Will Russia observe it? We do not know. If Russia does not observe it, will we know that they have not? Yes, we will. If we stand firm, with or without this treaty, but preferably with it, and hopefully with other treaties in the future to further eliminate the arms race, do we both win? Yes.

So, I encourage the Senate to ratify this agreement. It is an opportunity we have not had in this century to move the world a bit closer to democracy. We will not know, in the length of our service in the Senate, whether we have been successful. But I think we can take some pride in having started the step that could have consequences beyond our farthest imagination for us, for the Russians, for the world.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I just want to rise and compliment my distinguished neighbor and friend from Oregon for what I thought was a very thoughtful and well presented speech here in the Senate.

I think it is interesting when one looks at the Rand Corp. data on what is happening with gross national products that you can come to the conclusion that my good friend from Oregon comes to or you can come to the other conclusion which is that we need to expedite the process of helping the Soviet Union by, as the saying goes, bombing them daily with Sears catalogs and J.C. Penney's catalogs so they can see what they are missing by not enjoying a market economy.

I think that the Senator from Oregon makes a very, very good point, though, that we should all heed, and that is patience, and do we have the patience to see through the long-term foreign policy situation to sustain the effort so that the Soviets will from within come to the conclusion that it is not in their best interest to try to stand up to the West.

I guess, that is where I come down to a slightly different conclusion than my friend from Oregon, although I think he made a very excellent presentation and I thought his comments about Mr. Gromyko being caught in a boldfaced lie to our American President, President Kennedy, is a most interesting and most telling story.

So, Mr. President, I do believe that if you look at the facts of the gross national products of the United States and the Soviet Union, our gross national product is estimated in 1990 to be well over twice as much as the Soviet Union; Japan is about the same; Communist China almost the same; West Germany, United Kingdom, and France more than the Soviet Union; India, South Korea, Taiwan, Brazil, Turkey and Mexico added together the same as the Soviet Union.

It is very obvious that if the West demonstrates the will to stand up to the Soviet Union that they certainly can do so.

I think that one can also relate this—oftentimes we should not allow ourselves to sell our own system short. Our system is far superior to that system of the Soviet Union, not only economically but morally. In terms of human rights and opportunities for people, there is no comparison in the two systems. It is just that they are not comparable in the standard of living and the opportunities for people

to seek happiness. There is no comparison.

But there is one other fact that we have to look at and that we would hope that our counterparts in the Soviet Union, the people will look at. When I talk about the people I would say the Russian people. The people in Russia I have no quarrel with. My quarrel is with the dictatorship, with the Kremlin, with the bureaucrats that run the Soviet Union.

Coming from a farm State I think one can recognize very easily, a State that relies on exporting grain to the world market and other agriculture products, that if the Soviet Union would allow the Russian farmers to run the farms and stop having the Soviet bureaucrats try to run the farms they would certainly cut into our exports of agriculture because they have twice as much arable land and they have the capacity to produce much more than they do, but because of their internal bureaucratic bungling and state-controlled economic system they do not do nearly as well.

One other area that I think should be noted is that if you look at the performance of the Soviet Army in Afghanistan, it is not a record that one could be too proud of. The Soviet soldiers are being defeated on the field of battle in Afghanistan. That is why they are leaving. They are not leaving out of some charity in their heart. They are leaving because the soldiers are being outperformed on the field by the Mujahidin and equipment that the United States has been able to give them.

I do think that the Senator from Oregon in his very thoughtful remarks makes a point that this Senate should remember whether this INF Treaty is ratified or not, whether there be any other treaties to follow on or not. But the Senate of the United States and the Congress as a whole and the administration, whoever they are, must if we are going to survive as free people stay the course and be patient and have a sustained foreign policy and a commitment to and, as the Senator from Oregon said, if we would make a commitment to the arms development in this country we could show the Soviets in a very short time that they could not afford to keep up with the United States.

If we were spending another \$30 to \$40 billion a year just in procurement of F-15's, Harriers, F-16's, F-18's, the M-1 Abrams tanks and other weapons for the infantry, antitank missiles and so forth, another \$30 to \$40 billion a year which this country could afford to do, it would make a tremendous difference in the balance of power in a very short length of time with respect to the Soviets, and I believe they would then recognize that they really cannot afford the arms race that they started with the United States of America.

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I say again it is not the Russian people that started the arms race. It is the dictatorship, the government infrastructure, the bureaucracy, if you will, of the Kremlin of the Soviet Union that started the arms race and have been keeping the arms race alive.

So I think that what we have to do is continue to press forward to keep this economy strong in this country and be an example for the rest of the world but at the same time never let our guard down and be taken advantage of by the dictatorship in the Soviet Union.

Mr. KASTEN. Mr. President, in a very short time, President Reagan will meet the leader of the Soviet Union to discuss the future of arms control and other issues. It would be imprudent to allow our President to arrive in Moscow without the full support of the U.S. Senate—and full support means ratifying this treaty before the summit.

The INF Treaty provides the significant reductions in nuclear arms. The treaty is a truly pathbreaking and historic document in that it actually reduces nuclear weapons. Unlike the supposed benefits of arms control, the arms reductions mandated by this treaty are real.

The treaty actually eliminates two whole classes of nuclear weapons. Its verification provisions—including, for the first time ever, the right of on-site inspection—would have been unthinkable just a few short years ago.

There have been some legitimate questions raised about the adequacy of the verification regime. I share some of these concerns, and I hope they can be worked out.

The value of any treaty is determined not so much by its text as by the commitment of the parties to its verification and its enforcement. Thus, in deciding to support this treaty, I have made the judgment that we can count on future U.S. administrations to insist in the strongest terms that the Soviets abide by it. Absent this condition, supporting the INF Treaty would be a serious mistake.

This treaty is the product of 7 years of hard work and dedication on the part of President Reagan and his administration. The treaty would not have been possible if President Reagan had not stood firm for SDI, for peace through strength, and for the rebuilding of America's defenses after a decade of shameful neglect.

The INF Treaty is the first fruits of our renewed national commitment to preserving and strengthening the forces of freedom. A weak nation could never have prevailed on the Soviet Union to reduce its nuclear stockpiles. The INF Treaty proves that President Kennedy was right: A strong nation never negotiates out of fear—and never fears to negotiate.

The statements I have heard in our floor debate so far have been of uniformly high quality and intellectual caliber. Our duty under the Constitu-

tion is to decide in a timely manner whether we shall give the President our advice and consent to this treaty. In our exhaustive consideration of its merits, we have improved parts of the treaty and made it a more effective instrument for the preservation of our national security.

We need to address expeditiously any further concerns we may have, make changes if necessary, and present our final action on this treaty to the President.

Mr. President, Ronald Reagan and his negotiators worked hard to get this treaty. We need to do our work on it as fast as we responsibly can. I think we should make it a priority of this Chamber to give the President the instruments of ratification in time for his summit with Mr. Gorbachev. Let him take to Moscow not just these instruments, but also the full confidence that we in the United States Senate support his approach to negotiations with the U.S.S.R.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, my colleague from Oregon a short time ago delivered a really impressive address to the Senate, well thought out, thoughtful, thought-provoking and extraordinarily well delivered.

I heard a number of our colleagues congratulate him on the quality of that speech and on his delivery when he left this Chamber. It was such a fine speech that I certainly would not attempt to add to it nor would I be comfortable in offering a critique, though I can think of a few points on which I think I would disagree with the Senator in his remarks.

But in any event, because of his intellectual honesty, the Senator from Oregon made a critique unnecessary.

As I understood him, he admitted that for the INF Treaty and presumably for a START Treaty to work we are going to have to spend more money on conventional weapons, and that is a central fact. It is a pivotal question: Are we going to spend more money? Will we spend sufficient amounts of money on conventional forces to maintain an adequate level of security in Europe and ultimately for the United States?

The answer to that question is by no means assured. Indeed, it is a question that is a worrisome question in light of the fact that over the last 4 years the U.S. defense budget has declined year after year. For 4 years running now we have had a decline in defense spending.

I am not going to get into the arguments about how we are just backing off on a big military buildup. The fact is in terms of affordability, if you will, I think we are spending 6 percent of gross national product on defense. During President Kennedy's administration it was up around 10 percent. By that yardstick which is the yardstick of affordability and it does not necessarily reflect the adequacy but

the yardstick of affordability, we are spending much less than we used to.

This INF Treaty is a gamble and the START Treaty which seems certain to be concluded in the fairly near term is a much bigger gamble. Together they are a very big gamble.

They need to be linked together, really, because they deal with the same subject matter—nuclear weapons. They are very much related and interrelated and interdependent if they are to succeed in their stated goals.

So, in just a few minutes, I am going to call up an amendment which I have at the desk. I am not now calling it up, but I will shortly call it up. It is an amendment which is very short, very straightforward. Let me first read the purpose:

Purpose: To prohibit the entry into force of the Treaty unless and until the Parties have also ratified a Treaty reducing their strategic nuclear arms.

In other words, the INF Treaty, under this amendment, would not become effective until the Soviet Union and the United States have likewise ratified a START Treaty.

The language of the amendment is as follows:

Add at the end of paragraph 1 of Article XVII of the Treaty the following new sentence:

"Notwithstanding any other provision of this Article or of any other Article or provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the Parties have also exchanged instruments of ratification of a treaty between them which reduces their strategic nuclear arms."

One of the arguments used by the proponents of the treaty to calm fears about the verification is the argument that the Soviets have no need to cheat on INF. That is interesting, because that is a double-edged argument, if you will. On the one hand, it says we do not have to worry much about verification. If this is true, the Soviets have no incentive to cheat. But, on the other hand, it raises the question: Well, why have the Soviets no incentive to cheat, if that is so? And the answer to that interesting question is, likewise, very interesting. They have no need to cheat because the INF Treaty requires them to dispose of weapons which are dispensable to the Soviet Union; requires them to eliminate weapons which they really do not need.

On the other hand, it requires us to dispose of weapons which are indispensable, in particular, the Pershing II. So that is interesting. I want to develop that in just a little bit.

The Soviets have no incentive to cheat, the proponents of the treaty say. The reason for that is that these weapons, which they are required to give up, are weapons which to them are dispensable. On the other side of the equation, the weapons that we are required to give up, particularly the

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Pershing II, is literally—at least in my opinion and in the opinion of many experts—literally indispensable.

The reason that the Soviet weapons, the SS-20's and so on, which they will destroy, are dispensable to their side is that they can destroy all of these and still have enough nuclear weapons mounted on missiles, ballistic missiles, to retarget all of the hundreds of NATO assets which are now targeted by the missiles which they will destroy under the treaty.

In other words, they do not need these missiles absolutely. They are dispensable because they can take other missiles—SS-24's and SS-25's—as we expect them to do and target the warheads and retarget the warheads on those missiles against every one of the NATO assets in Europe which they now target with warheads on missiles which they will have to destroy.

So that is an interesting revelation, or ought to be. The Soviets are giving up weapons which they do not need, but we are giving up weapons which we do need. That is why it is all the more important that we not ratify the INF Treaty until we find out what the Soviets are going to have to do with those other weapons which they can use to retarget NATO; that is to say, until we know what the START agreement will impose by way of conditions on the Soviets and the United States.

In that context, when we know how many weapons and warheads and of what kind and what kind of launch vehicles each side will be permitted under START, then, if it is the right kind of a treaty, one which the Senate should ratify, then we could be assured the Soviets will not have such a sufficiency of warheads as they have today and that they have post-INF that they can both cover the strategic targets in the United States and all of the NATO resources which are targeted by INF missiles which will have been destroyed.

The Soviets have about 11,000 warheads. We are not exactly pristine on that count, either. We have lots of warheads, too. But the fact is the Soviets have enough warheads to target all of the necessary targets in the United States with redundancy, I would point out. Not just one warhead per target, but multiples of warheads per target and, on top of that, keep all of the NATO resources targeted which are today targeted with missiles that have to be destroyed under INF.

So it is a pretty good deal for the Soviets. They get rid of weapons they do not need, but we are required to give up weapons that we very urgently need. And why do we urgently need those two missiles, the Pershing II and the ground-launched cruise missiles? Well, to discover why we need them, we might examine why we deployed them or why we deployed nuclear weapons at all to Europe.

We did not do that frivolously or because we are fascinated with nuclear weapons or because we just wanted to

spend some money. We built and deployed, at very great economic and political costs, nuclear weapons to Europe because we have not been spending enough and are not willing, and probably are not able, really, to spend enough on conventional weapons to deter a Soviet attack on Europe.

The Soviets have great geographical advantages. They are breathing right on the boundaries of Western Europe. For the United States—which, after all, would, in a war in Europe, be once again the arsenal of democracy—for us to resupply and reinforce requires the shipment of vast quantities of men and materiel by ship and by aircraft across great lengths of the Atlantic waters, which will be infested with Soviet submarines in much greater numbers than the few Nazi submarines that were on station at any given time during World War II but which, despite their small numbers, wreaked havoc with allied shipping.

So the Soviets have a geographic advantage in Europe. They are close, with short lines of communications. For us it is very, very long and increasingly tenuous. And even if we did not have to worry about the hazards of transiting the Atlantic and European air space, which will be swarming with hostile vessels, sea and air alike, we just do not have the shipping. We do not have the ships or the aircraft, airplanes to move anything like the quantity of men and materiel we have promised Europe in the event of a war.

We promised to bring our strength up from 3½ to 10 divisions in Europe within 10 days. There is no way we can do it. It is yet another one of these empty promises, another one of these unfulfilled goals driven by need but which are unfulfilled and would result in really a catastrophe in the event that Western Europe were attacked.

So the Soviets have geographical advantages. We are plagued with great insufficiency in shipping and in aircraft ton-mile capabilities, which we would need to offset that geographical advantage.

The Soviets also have very great advantages in the number of divisions. In combat strength, in men and soldiers, I think it is about 3 to 1. And they are offensively deployed. When military strategists look at the armies, they just do not say there is an opposing army. They look at the way in which it is deployed. They do not just look at size. They look at the way in which it is deployed. The Warsaw Pact forces are deployed in a manner to facilitate offense.

Is that true of NATO? No. Clearly, by no stretch of the imagination, can anybody suggest that the NATO forces are deployed in a manner to facilitate offense. We would just be creamed if we tried that, because we are so short on manpower; we are so overwhelmed by Soviet superiority and troop strength; so overwhelmed by Soviet superiority in tanks, 2 to 1, and armor.

Remember, those tanks are now being outfitted at an alarmingly rapid rate with reactive armor, which I am told renders practically useless most of NATO's antitank weaponry.

Outnumbered in men, in divisions, and outnumbered in tanks and outnumbered in tactical aircraft which, by the way, are every bit as modern as ours, and completely outclassed in chemical weapons delivery because we have zero chemical weapons that are usable, and the Soviets have hundreds of thousands of tons of the stuff and we know from their military exercises that the use of chemical weapons is an integral part of their military doctrine.

If the Senator from Idaho wishes me to yield for a question, I would be pleased to do so.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Idaho.

Mr. SYMMS. I thank the Senator very much for yielding. I think the point he is making about offense versus defense capabilities is one that needs to be taken under consideration.

The point I was going to make and ask of my colleague: When I was in Europe, in January, asking questions to some of our generals and other generals, I asked that question in many cases. What are your offensive plans in case of an attack to counterattack and cut off, to interdict supply lines and possibly seize Eastern Europe; what is the policy?

They said, well, we really do not talk about that at all for obvious reasons that the Senator pointed out. We are more in a defensive mode but also it is not the policy of the United States and Western Europe to be on the offense.

Often times, I think, and I propound to my colleague, that the potential for political will, if in fact NATO had it as a doctrine that if the Warsaw Pact ever attacks that we will start attacking north from Turkey and we are going to liberate all of Eastern Europe and that is our policy, our doctrine—I think that would cause them a great deal of consternation. It might stop them.

But we have had such a defensive, if you will, ideological position from Foggy Bottom that it has been so part of our society for so long that people cannot even think in those terms.

I am not talking about being offensive. The Senator from Oregon made it very clear. Generally speaking, dictatorships invade their neighbors or countries they can invade, whether dictatorships or whatever they are; they invade their neighbors: democracies, dictatorships, whoever happens to be in the way that has what they want. Countries that allow the election of people and have a free press tend not to invade other countries.

But the point that I am making to my colleague, do you not think that is part of the problem and part of the concept of the INF in itself? The INF

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provided us with a way to strike back at the heartland—I mean prior to the INF—the intermediate-range missiles allowed us to strike at the heartland of the Soviet Union who would be the perpetrator of the attack.

Without it we really do not have that capability, short of a global war.

Mr. HUMPHREY. Indeed.

Mr. SYMMS. I think the Senator is making an excellent point and I compliment him for it.

Mr. HUMPHREY. I thank the Senator for his contribution. He is quite correct that our deployment, both in strategy and in physical deployment, is defensive. And now, if we give up the Pershing II, we will give up the only weapon that can hold the Soviet territory hostage, if you will. It can threaten Soviet territory. The only one the Soviets will pay an awful lot of attention to is the one that will strike their own soil.

They are much less concerned about nuclear weapons that will strike the soil of their Warsaw Pact allies. Not unconcerned; I do not suggest that. But you somehow get their attention at a much higher level when you threaten to strike their own territory. We have only one weapon that can, with assurance, speed, accuracy, reliability, and lethality, and that is the Pershing II, and to a somewhat lesser extent because of their slower speed, the ground-launched cruise missiles. With the INF Treaty, we have the manned aircraft, which would have to penetrate a very dense Soviet anti-aircraft environment, and very few of them would probably succeed.

Their value as a deterrent factor is much, much, much less than the deterrent value of the Pershing II and the ground-launched cruise missiles; and their utility in the event of war is obviously much less as well, because they are old, slow, not survivable, and not as accurate as missiles, obviously.

Well, Mr. President, I began by focusing on the question or the matter which the Senator from Oregon raised, the imperative of spending more on conventional defense if we are to eliminate these force multiplier weapons which we have deployed, these nuclear weapons. We have deployed those, as I pointed out, because we needed to. In the past we have not been able or willing to spend enough on conventional defense to deter the Soviets sufficiently in our minds. So we put in these force multiplier weapons, which are cheaper to deploy and maintain than are divisions of plain old soldiers with tanks. They are cheaper, believe it or not, as expensive as they are.

The security of Western Europe, and indeed ultimately our own security, will depend on the question of, assuming the INF Treaty will be ratified and ultimately START will be ratified, whether we are willing to spend that much money. I rather doubt it. Certainly there is nothing in recent American political history, nothing in our

recent defense budgets or in the trends that suggest that we will be willing; that indeed we will spend more money. It is not only I who have misgivings on this point.

During the Armed Services Committee hearings a couple of months ago on the INF Treaty, some of the foremost military experts in our country were asked about that question: Will we spend more money on conventional forces to make up for the loss of these force multiplier weapons?

Here is what the experts had to say.

Admiral Crowe, who is the Chairman of the Joint Chiefs of Staff, the highest ranking military officer in our forces, noted that the United States will need to spend more money to correct weakness in conventional forces in NATO. But, he said, "I also believe we are not going to do that."

Admiral Crowe has been around for a while. I do not know how many years he has been in uniform but he is at the pinnacle of his career. He has been around for a while. He knows the military side of things and he knows the political side of things because in his various commands he has had a great deal of interface with practical politics.

He is a realist and I believe he is right when he says, "I also believe we are not going to do that." He believes we are not going to spend more money, not to mention sufficient money; not even more money on conventional defense. That is Admiral Crowe, the Chairman of the Joint Chiefs of Staff.

Former Secretary of Defense Harold Brown, who served President Jimmy Carter as Defense Secretary and a man whose credentials cannot be questioned and certainly a man who is supportive of arms control initiatives said, with respect to the probability of increases in NATO defense spending: "I would assess the probability as low." And he said, further, "If U.S. defense budgets continue to drop by a couple of percent per year"—as they have, I add parenthetically—"If U.S. defense budgets continue to drop by a couple of percent a year, the Europeans will have lots of excuses and significant justification for not increasing theirs at all." Those of us who are familiar with NATO and NATO politics know that to be a very sound statement as well. Europeans on the whole spend a much smaller percentage of their GNP on defense and are even more reluctant than is our own society to spend more on defense, conventional or nuclear.

So, those who make the argument that we ought to help out Mikhail Gorbachev by passing these treaties because maybe at long last this is the beginning of something new in the Soviet Union—maybe this is the end of Soviet imperialism and, praise to heavens, maybe this is the end of communism and I surely hope so. I will agree with them to this extent: Mr. Gorbachev is the best that we have had and

the best we are likely to have, as far as we know, for a long time to come.

He has made some efforts to begin, in the tiniest way, but to begin liberalization of the Soviet economy and liberalization of the Soviet Government and government policies and of society as a whole.

Yes; we want Gorbachev to succeed. He has a tough road to travel, and he might not succeed, as the Senator pointed out. He might not, because anytime a reformer comes along, he bucks up against the status quo. He bucks up against those with vested interests in every kind of society. Whatever it is capitalistic, Communist, or somewhere in between, there is always a vested interest. That is one of the realities of human behavior.

In Mr. Gorbachev's case, it is the nomenclator, those with powerful positions, titles, and perquisites who do not want to give those things up any more than we on this floor like to be defeated and deprived of our titles, powers, and purposes.

We have certain vested interests, too, but at least we are elected. Nobody elected Mr. Gorbachev. That is another argument. I will not get into that except to say we need to be very careful not to portray Mr. Gorbachev, the Communist Party, and the Soviet system as the moral equivalence of an elected Western leader, democratic parties, and liberal societies. Nothing can be further from the truth so far. We hope that will change in the Soviet Union.

Let us not be so fawning and so inclined toward mush-gush, as I may say the President has been in recent months, that we obscure the differences to be the real great significance between our systems, societies, and economies.

There are great differences, and those differences have great consequences with respect to the kind of personal liberties and security in those liberties that societies have or do not have. They have consequences.

When the President fawns over Mr. Gorbachev and calls him my friend and Prime Minister Thatcher goes out of her way to make life pleasant for Mr. Gorbachev, shall we say, this really confuses and confounds public opinion.

It is no wonder that public opinion in Europe regards Mr. Gorbachev more highly than public opinion in the United States when Western leaders fall all over themselves to portray the man as the moral equivalent of a democratically elected Western leader with due regard for law, due process, and the God-given rights of man.

There is no such thing in the Soviet Union yet. We hope that Mr. Gorbachev is driving a wedge into tiny cracks that will open up with great haste and reveal the dawn of a new day. We hope that is the case, but we have been snookered before. Not only

that, we in positions of public policy know full well, as the Senator from Wyoming pointed out earlier so eloquently, that men and women pass from the scene. Mr. Gorbachev might be a wonderful fellow. He might truly hope to democratize and liberalize the Soviet Union. I do not think he really wants to go that far. I think he is basically a believer in the Communist system, but I think he sees the practical necessity of giving way to human nature, of accommodating human nature, and harnessing human nature of the Soviet Union, giving people incentives, giving them a little security in their rights.

I think that basically is his motivation. I think it is basically pragmatic and practical, but we will take it any way we can get it, will we not? Liberalization is liberalization. It is only a beginning and we will encourage it. Let us not fall all over ourselves, slobbering all over ourselves to portray Mr. Gorbachev and the Soviet system as something like a Western democratically elected leader and a regime with a constitution that means something and a government of laws, and not of men, and of due process, because that is not the case.

If we are going to adopt this treaty, and I view this as a one-sided treaty, one which would undermine national security and that of our allies, then we need to spend more on conventional defense. I do not think we are going to do it, so we should not adopt it.

In any event, we should not adopt it until we can see more clearly—until we can see clearly—indeed, we cannot see at all; it is very murky—what will be the nuclear arsenal of the Soviet Union and the United States following ratification of the START agreement because these weapons, intermediate force weapons, which are covered under the INF Treaty now before us and strategic weapons which will be covered under the START talks, are nuclear weapons. They have that in common. They are nuclear weapons. They are forced multiplier weapons. They are joined together like a train. We should not deal with one until we know what will be the extent and the scope and the deployment of the other.

The Senator from New Hampshire is not original in that observation. Indeed, the amendment which I have at the desk and which I will call up shortly is known around here as the Rostow amendment. The genesis was the testimony of former ACDA Administrator Eugene Rostow who testified before the Foreign Relations Committee. Mr. Rostow was Director of the Arms Control and Disarmament Agency during a Democratic administration. I believe he styles himself as a Democrat.

In any event, he is a proponent of arms control of the right kind. After all, if he were a knee-jerk opponent of arms control, he hardly would have been appointed by a Democratic Presi-

dent as Director of an Arms Control and Disarmament Agency, would he? The answer to that is obvious.

In his testimony before the Foreign Relations Committee, Mr. Rostow said as follows:

In my judgment, the INF Treaty before you presents two major difficulties. The first, in my view, is that it calls for a dismantling of all Soviet and American missiles of intermediate range. As the reaction to that prospect both at home and abroad makes clear, low equal quotas for each side, which the United States proposed in 1983, would be decidedly preferable to the double zero solution which raises the specter of American withdrawal, of America decoupling from the security of our allies both in the Atlantic and the Pacific. The administration has never explained why it abandoned its 1983 position and returned to the zero option when the Soviets returned to the negotiating table in 1985.

That is difficulty No. 1, according to Eugene Rostow. It is the double-zero option that requires both sides to destroy all vehicles of intermediate range which are designed to deliver nuclear warheads.

The problem with that, speaking for myself, not Mr. Rostow, is that the Soviets can dispose of all those class of nuclear-delivered vehicles, but we cannot. They have a sufficiency of other kinds of nuclear warheads and nuclear missiles that cannot only continue to cover targets in the United States, but can retarget all of those NATO targets presently targeted by intermediate force weapons which will be destroyed.

They do not need the missiles they are going to destroy, but we do. We need that Pershing, especially, for all of the reasons I outlined earlier.

The conventional force imbalance, the dangerous superiority in Soviet forces we cannot and, in my opinion, will never remedy with more spending on conventional forces because we do not have the manpower, we do not have the money, and we do not have the political will.

So Mr. Rostow is making the point that zero-zero option, which we have embodied in this INF Treaty, is a mistake; that there is a utility to intermediate range nuclear weapons; that they cannot offset conventional superiority, from our point of view, the conventional superiority in the Soviet side and that a small equal number on both sides would be more stabilizing than this zero-zero option which will return us to a situation where we have no nuclear weapons of assured survivability, of quick delivery, and accurate delivery to deter a Soviet conventional attack, if one is contemplated, and to disrupt, slow down one if such an attack were to take place.

Mr. President, before I go on to the second point raised by Mr. Rostow, I want to address another element of the dangerous situation relative to NATO and the Warsaw Pact forces. I pointed out on a number of occasions that Soviet forces very greatly outnumber ours in men and materiel and

that the qualitative superiority is vastly diminishing. The Soviet weaponry is every bit as good as ours and in many cases better, especially in the case of reactive armor which they are rapidly deploying and of which we have none so far.

But there is another side to the coin. There are two sides to the coin, obviously. There is the Warsaw Pact superiority relative to the smaller and less well deployed forces of NATO, but the other side of the coin is the shocking and calamitous and scandalous state of unpreparedness of those NATO forces which are there. They are there in insufficient numbers and maldeployed and underequipped and outgunned for the most part, but they are also scandalously unprepared in terms of stockpiles of ammunition and fuel.

The official goal of NATO is to have on hand 30 days' worth of ammunition and fuel, but we and our NATO partners have never come close to that. Thirty days is not much. And that is not a figure that just was plucked from the air. That is a figure based on needs. That is a requirement figure. But we have never come close, NATO has never come close to having 30 days', not even 15 days' worth of ammunition and fuel. We do not even have half of what we think we need, and that is a fairly bare minimum, 30 days. We do not even have half that. We do not even have half of half. We do not have half of the half. We do not even have one-quarter, not 15 days, and not even 7½ days. And while the exact figure is, of course, classified, the term of art used in open session by the experts when they testify on this point is that we have "less than 7 days." Less than 7 days. It does not mean we have 7 days. It means we have somewhere between zero and 7. Maybe it is 1, maybe it is 3, maybe it is 5, maybe it is 6½. The exact figure is classified. Not 30, not 15, not 7½, less than 7. You compare that calamitous shocking state of unpreparedness with the Soviet superiority in geographic advantages, short lines of communication, manpower advantages 3 to 1, tank and armor advantages 2 to 1, chemical weapons where they have hundreds of thousands of tons of the stuff and regularly practice using it in offense and we have not got a drop, you compare that with the calamitous state of unpreparedness of NATO and you have got to be pretty darned worried. This Senator as a member of the Armed Services Committee is, and especially as a member of the Subcommittee on Preparedness, which subcommittee I had the privilege of chairing for a number of years before my party lost the majority. But notwithstanding the change in parties, the situation is not better; it is indeed worse. I am not blaming that on the other side either. I am not blaming that on the Democrats but the situation has grown worse. Both General Rogers and General Galvin have testified—

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and they represent the last 9 years of command of NATO, General Galvin this last year, General Rogers the preceding 8—that the situation has gotten worse, that NATO is even more out-classed by the Warsaw Pact forces than formerly.

So in that context is it really wise to give up the one system, only one which credibly deters the Soviets from attacking Western Europe? I think not. I think not, especially in light of the fact that we are really most unlikely to spend more money on conventional forces. It just is not going to happen. Surely there is not one Senator who things we are going to spend more money on conventional forces in Europe. Others will say, "Well, if you cannot spend more money on conventional forces, then we will modernize our battlefield weapons, our battlefield nuclear weapons." That is not going to happen either because our NATO allies do not really want to modernize such weapons. Indeed, they do not want them.

Now that INF is about to be concluded and now that Soviet territory is no longer going to be threatened, now that the threat lies against Western Europe and the nuclear war will be conducted solely upon the territory of Western Europe—that is an overstatement, obviously; some of it will be conducted on the territory of the Warsaw Pact forces, but we simply do not have credible weapons that will reach Soviet territory and in that situation Western Europeans, in particular West Germans who would bear the brunt of such warfare are saying, "Well, if the Soviets aren't going to feel any of the pain of such a battle, most of it is going to be borne by West Germany, then let's get rid of all of these weapons, theater weapons and battlefield weapons.

So the momentum is now in getting rid of these weapons, not in modernizing, because they need to be gotten rid of. Frankly, most of it is junk at this point—16, 18-year-old missiles that just do not have enough range or accuracy; nuclear artillery shells have not been modernized. In comparison with what we are giving up, it is junk. It is dangerous. It ought to be gotten rid of. There are a lot of weapons that we should get rid of, a lot of that stuff should go. Indeed, we did get rid of it under the Montebello decisions, but there is still a lot if it out there.

I am trying to make the point that we are talking some mighty big risks, Mr. President, in ratifying this INF Treaty. It would have made so much more sense, as so many witnesses pointed out, both in the Foreign Relations Committee and the Armed Services Committee, if we had put the horse before the cart. We have nuclear weapons in Western Europe because of the Soviet immense advantage in conventional forces which we simply cannot afford to match. We can with force multiplier weapons leverage, equalize, which are nuclear weapons.

Does it make sense really, is it logical to take out those nuclear weapons, which are meant to deal with the Soviet conventional superiority, in advance of dealing with the Soviet conventional superiority? It does not. It is treating the symptoms and not the disease. The disease will not go away if you just treat the symptoms. But that is what this is going to do.

It will leave that Soviet conventional superiority, as the Armed Services Committee report notes, untouched. It would have made far more sense to insist on progress first at the MBFR talks, the talks on mutual and balanced force reductions, which are trying to deal with that Soviet superiority, that massive superiority, which is the underlying fundamental problem causing the tensions in Europe. If we dealt with that first, then the INF Treaty would make sense because we would not need nuclear weapons, or at least we would not need them in the numbers that we have today.

But did we put the horse before the cart? Not when you have the State Department in charge of the stable. The cart goes in front of the horse, or maybe on top of the horse but never behind it. It is really senseless. But we did not do that. Here we are with the treaty before us. And let me just point out that 30 of 38 witnesses who appeared before the Armed Services Committee said, when asked to focus on the military ramifications of this agreement, that this treaty is disadvantageous in a military sense, is disadvantageous to the United States and our NATO allies. I have to say, like so many other proponents of the treaty, most of them went on to say to my disappointment, that we ought to ratify this treaty for political reasons, that Europe would be so disappointed, Western Europe public opinion would be so disappointed if we did not ratify this because they expect it to be ratified, that NATO will just come apart at the seams; that we ought to ratify this treaty for reasons of form, notwithstanding the substance which is disadvantageous to the United States and to NATO. Maybe this Senator has not been around this town long enough. I have been here 10 years which some people will think has been far too long. But maybe I have not been around here long enough to acquire the elegance of thought to know that one should always prefer form over substance. I could never qualify for the Foreign Service Corps. That is for sure because I really prefer substance over form.

But here we are urged to ratify form over substance even though substance will damage our national security and imperil 323,000 innocent parties who are American GI's in Europe; who are there to defend Western Europe, and who will be deprived of the very best tools that they and we have to deter an attack and to block or disrupt such an attack if one should come.

Mr. SYMMS. Will the Senator yield on that point for a question?

Mr. HUMPHREY. I would be happy to yield.

Mr. SYMMS. I thank my good friend. He is making a lot of sense here.

I want to say 10 years ago, the Senator remembers this well, the battlecry then was this Panama Canal Treaty may not be perfect, this United States giveaway of our canal in Panama, but we have to do it because the hopes and desires of all Central America, all Latin America, are going to be crushed if you do not vote for this treaty.

Mr. HUMPHREY. Yes. The Senator is right. That is human nature at work.

Mr. SYMMS. We will have problems. We will have Communists going into Nicaragua. We will be having Communists trying to take El Salvador, and we will have Communists trying to move into Panama itself, if we do not ratify the treaty.

Mr. HUMPHREY. The Senator is right.

Mr. SYMMS. The treaty was ratified. We have Communists in Nicaragua, we have Communists trying to overthrow the government in El Salvador, we have them moving into Panama, and we have a two-bit drug dealer running the country. It is very interesting but the same logic was being used then on the Panama Canal Treaty, that we had to do this. It is this theory that this is a rotten treaty, but boys, you had better vote for it because it will be worse if you do not ratify it.

Mr. HUMPHREY. The Senator is right.

Mr. SYMMS. I have to say to my colleague I probably too would not have been able to be in the Foreign Service because to me it is pathologically irrational.

Mr. HUMPHREY. Pathological is not a bad choice of words, I say to the Senator. I think there are some nuts loose in this town, and tragically they are in charge of the nuthouse.

The Senator raises an important point. We have heard all of this before, that when the proponents of a treaty tell us if we do not ratify, look out, get in your shelter because the sky is about to fall and the world is about to come to an end. We have all heard that before. It is worthy of reminding our colleagues that is so, not only in the instance which the Senator cited, but likewise, was it in 1979 or 1980 or when the SALT II Treaty was before the Senate? We heard this very same argument. You had better ratify this treaty because if you do not, NATO will come apart. It will be the end of the world, the sky will fall, and all will be darkness.

Mr. SYMMS. Would the Senator yield on that point again?

Mr. HUMPHREY. I would be happy to.

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Mr. SYMMS. Would the Senator think General Haig would be a fairly good recommendation of someone who has had quite a lot of experience with the Europeans and NATO?

Mr. HUMPHREY. I should think so. He was the commander of NATO for two terms, I believe.

Mr. SYMMS. He is the predecessor of General Rogers. I talked to General Haig the other night personally. He said:

Just remember one thing. If this treaty for some reason were voted down, that all of this talk about how there will be a great furor raised in Europe would turn to a great sigh of relief instantaneously, and it would disappear faster than anything that you have heard of or seen.

Mr. HUMPHREY. Yes. That is very interesting that the Senator would raise that point. I have heard General Haig say in private that he learned from personal visits, I think, with Mrs. Thatcher and a few of the other principal Western leaders that they really do not think all that much of this treaty, but they are sort of going along because there is so much momentum behind this that it would be very difficult politically for them to dig in their heels.

Mr. SYMMS. They are trying to get ahead of this pack, is what it amounts to.

Mr. HUMPHREY. Yes. I am afraid that is a point we cannot prove because their public statements are in support of this treaty. Nonetheless, we have to argue the case as logically as we can. I think we have a great many good arguments. I think the preponderance of good arguments are on our side.

I want to address a little more fully this phenomenon we always witness whenever there is a treaty before this body, this claim if we do not ratify it, that the result will be calamitous. The closest parallel I can think of is the one I cited a moment ago when the SALT II Treaty was before the Senate. It was obviously a very, very important arms control treaty, nuclear arms control treaty of great scope and significance.

There was a powerful drive for its ratification. The witnesses came before us and said this. Note how similar it is to what we are hearing today. The Secretary of State, Cyrus Vance, the Secretary of State during the Carter administration when SALT II was pending before the Senate, said as follows: He said before the Foreign Relations Committee:

It would be a terribly severe blow to NATO and members of the alliance should this treaty fail of ratification. They have made this clear in statements through the heads of most governments of the NATO countries.

So there is Cyrus Vance, no less a witness than the Secretary of State at the time, a man respected on both sides of the aisle for his personal abilities, maybe not for his policies entirely, but for his personal abilities and

his integrity saying that if you do not ratify this treaty it will be a terribly severe blow—not a disappointment, not a blow, not a severe blow, but a terribly severe blow. Heck, we might as well have just played a recording of Cyrus Vance down in the Armed Services Committee while we were considering the treaty a few weeks ago because the witnesses are telling us the same thing today. If you do not ratify this INF Treaty it is going to give Europe a stomach ache. Let me tell you something. Europe needs a stomach ache and Europe needs a good kick in the derrier. It will do them a lot of good. If they fail to rise to the occasion, then that is their own problem.

It was not only Secretary of State Vance who made those dire predictions and predicted that the world would come to an end, almost. Secretary of Defense Harold Brown, another man off great accomplishment, widely respected, a man of unquestioned integrity and intelligence, told the Foreign Relations Committee during the pendency of SALT II:

The Europeans do believe that if SALT fails . . . it greatly increases the probability of an all-out arms race between the United States and the Soviet Union. They—speaking of NATO partners—would certainly examine various alternatives to the alliance, their own nuclear capability, a separate alliance of neutrality. I am sure all of those would be raised as possibilities.

So there is the Secretary of Defense saying to the Foreign Relations Committee, "Boys, you had better, whatever your reservations, ratify this thing because if you do not, NATO is going to come apart at the seams." He said they will go off and develop their own independent nuclear capability. That is certainly something we do not want. But that did not happen, did it? He said that Western European nations, the NATO partners, would embrace neutrality. Has that happened in the eighties? No. That has not happened either. Have they formed a separate alliance? No. They have not done that, either.

So Secretary Brown, a man of great gifts, was wrong, seriously wrong, on those three counts, and in his general contention that NATO would go to pot if we failed to ratify SALT II. We did not ratify SALT II. It was withdrawn by the President. It was in deep trouble. The Armed Services Committee, I believe at the time—yes, at the time the Armed Services Committee was chaired by the Democrats.

The Democrats had a majority on the Armed Services Committee. Democrat majority, Democrat chairman, Democrat President, Democrat Vice President, Democrat administration. They could not have had many more aces. Yet, SALT II was found by this Democrat-controlled Armed Services Committee not to be in the national security interests of the United States. It never came to the floor, because the Soviets pulled one of their fast ones

and invaded Afghanistan, and President Carter learned overnight some things about the Soviet Union he had never before suspected.

So we have heard it all before: This business that we have to ratify, that form is more important than substance, that we have to be polite and observe protocol, and we want to have a nice summit in Moscow.

Let me address that point, since I am disposed to address a number of points, no other Senator being ready to offer an amendment, apparently. Let me address that one.

President Reagan is going to Moscow on Wednesday. That is fine. I believe that American and Soviet leaders—I do not mean to imply moral equivalents there, but the heads of government—ought to meet frequently, but in a less visible environment, with less PR, less ballyhoo, less hoopla. They ought to put their feet up on the table and have a beer, out of sight, and say: "What a bummer it is to be head of a whole nation!"

The President can say, "What a rotten job, when you have to deal with Congress!" And Gorbachev has a similar complaint. He has to deal with all the vested interests in his system.

So I think these things are good. But they should be much more low key and less visible.

I have learned, after 10 years in public life, that you do not solve problems through confrontation. Sometimes it is the only way you can stop things for the time being, but you do not solve problems through confrontation. If there is any hope of peaceful solution to problems—and sometimes there is not such a hope. There are times in history when there is no solution to a problem, but if there is hope for such a thing, it has to be done on almost a personal level.

The heads of the government have to get to know one another as persons, as individuals, have to be comfortable with one another, have to break down the inhibitions human beings have when they are strangers, especially when they are adversaries. It is good for the heads of government to meet.

It is not the same as to say that we ought to fall all over ourselves in being accommodating. It is not the same as to say that we have to put PR ahead of national security. It does not mean we should rush through this treaty, which has extraordinarily important national security implications, just so that President Reagan can carry this little parchment, wrapped in blue ribbon, to Moscow, when he leaves on Wednesday.

As Senator WALLOR, in his eloquence, pointed out, this is a treaty that lasts in perpetuity. If you look at the terms, there is no cutoff date. It is a perpetual treaty. That document we ratify will last. It will outlast President Reagan; it will outlast most of the leaders now in power. Ultimately, that document is far more important than

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any PR operation or even any well thought-out summit meeting—any one, single summit meeting.

So it is not going to be a catastrophe if the Senate, in careful deliberation, does not serve up this parchment to the President as he demands, so that he can look good at a photo opportunity in Moscow. We have higher responsibilities than to augment the office of the White House press secretary. We have to consider carefully this treaty and its terms and implications.

The implications, from the point of view of this Senator, are dangerous, because to remove these two missiles, to remove these two indispensable missiles, while the Soviets remove missiles which to them are dispensable, means that, once again, we confront, in a relatively naked condition, this massive Soviet superiority, which will be used first to intimidate and neutralize and Finlandize Europe, if possible, but perhaps be used in the classic fashion—that is, to launch an attack.

Absent these two missiles, we are back to that square one. There are some new developments, as well. Some proponents say we did not have these missiles 5 or 6 years ago; if we take them away, we are simply back to the status quo ante. That is not true, because something else has changed in the intervening years.

Back then, we could argue, or hope, that we had a sufficiency in strategic weapons. Today, the best we can say is that we have parity, gridlock, with the Soviets—checked, if you will—in that highest category of weapons: ICBM's, submarine-launched ballistic missiles, and the nuclear weapons delivered by manned aircraft. So the Soviets have neutralized us there. Under this INF Treaty, they are about to neutralize us at the intermediate level, and they will retain, as always, this massive superiority in conventional forces.

What will be the upshot? What is the implication of that? Resources have their effect. Resources have consequences.

The new Soviet man is not yet on the scene, in my opinion. The new Soviet system is not yet on the scene. The new Soviet society is not yet on the scene. Perhaps it will be; but, at best, that is 10, 20, or 30 years off. We hope Mr. Gorbachev is the beginning of that. Mr. Gorbachev, like President Reagan and the rest of us, will be gone one day and treaties will remain.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I am glad to yield.

Mr. SYMMS. I think the point the Senator is making should be emphasized. But I go back to the trip when I was in Europe in January and was being briefed by a four-star general. He was telling me the reasons why they could live with the INF Treaty, but they has to have the commitment of Congress to support them on replenishment of other conventional weapons and more flexible response

and aircraft, and so forth. I am sure the Senator heard the same type of briefing.

I said: "General, let's get down to the bottom line. Just what is it that this treaty does for you that makes you better off, as a general who has the responsibility over here?"

He was not the commander. Lest anyone think this was General Galvin, it was not.

He rubbed his chin and said: "Senator, we have a little more flexibility, more maneuver room, to get those SS-20's out."

I said: "How do you mean, maneuver room?"

He said: "We won't have the SS-20's where they can hit us here."

I said: "Do you think we are sitting in a potential target for an SS-20 now?"

He said: "Absolutely. You're sitting in the middle of a potential target." We were at Ramstein Air Force Base.

I said: "If you get rid of the SS-20's, that gives you more maneuver room?"

He said: "That's what I'm saying."

I said: "Do you think this will be targeted by an SS-24 or SS-25?"

He said: "Yes, I think it will."

I said: "What are we talking about—12 minutes more maneuver room? Is that all we have?"

He started to smile and said: "I guess you have me there."

Of course, his job was to try to tell me this treaty was a good thing, and I understand that.

But I think that is a very interesting point, and that is exactly the point the Senator is making. We are not increasing our capability because they have means to strike our troops and air bases in Europe either with chemicals or with nuclear weapons without SS-20's, but we are giving up the ability to decapitate the Soviet generals that would be running the army and places that they would congregate the supplies and troops.

So we really are giving up a great deterrent to the actual final act that if the Packwood scenario ever came about that out of an act of desperation that the 55-year-old general and the 55-year-old factory manager throw out Mr. Gorbachev because his reforms are not working and they get into control and then out of desperation, as our economies grow, the Western economies grow, they make a last stab effort a la Red Storm Rising and decide to attack.

The one thing that would help keep them from deciding to do that is knowing they might get their heads blown off by a Pershing II missile at the command and control center of the advancing Warsaw Pact Army.

We are giving that up, and that is the point the Senator is making that I think is important.

I think the Senator's other point is important, if I could have one more moment to say, that we really should not ratify the INF Treaty until after the START Treaty is at least brought

before the Senate so we have the whole package.

I will not interfere with the Senator on that now, but at some point I would like to make a few comments for a minute or two on that point.

I think the Senator is right on target. We have the cart before the horse.

Mr. HUMPHREY. Yes, sir.

Mr. SYMMS. It is typical. It is not unusual. It is not a surprise. But once again we have the cart before the horse and we have a defensive strategy.

When the South Vietnamese were invaded by the North Vietnamese, South Vietnam being our ally, did we attack North Vietnam with our Marines and soldiers? We went to South Vietnam and fought over the homeland when we should have had our troops in North Vietnam.

In Korea, we fought a defensive war and ended for a tie.

It is typical of the mentality, the lack of perception of the ideology and the necessity for an offensive strategy, and an offensive strategy would break the back of the bankrupt system that the Soviet people have been ensnared in and are held under because that system cannot work on the defense. It has to work on the offense to try to get the goods and services from someone else, bleed their economies to make up for the lack of production in the Soviet Union.

It is so obvious, yet it is so difficult to sell that issue.

I thank the Senator for yielding.

Mr. HUMPHREY. I was glad to do so, Mr. President.

The Senator has returned me to my central thesis, and I will ask that my amendment be called up in just a moment, namely, that we ought not to ratify this INF Treaty except on the condition it not go into effect until we have likewise ratified a START Treaty so we can see what the whole picture is before us before we stake our national security on it.

It is just simply unwise to stake our national security on one treaty and in the hope of another. It is like gazing through the fog across a battlefield and trying to discern the deployment of the adversary.

Let us wait until the fog lifts so we can see completely the scene before us and can then act prudently in our national defense.

Mr. President, I will offer that amendment in just a moment. I want to clean up a couple of points that I left dangling here:

The INF Treaty by itself is really a very dangerous gamble because, as I said, and this shall be the last time I shall say it in this body of remarks, it takes away the two weapons and the two weapons which best deal with the Soviet superiority in conventional forces and conventional resources and the Soviet advantage in geography, while leaving in the hands of the Sovi-

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ets nuclear weapons, swift, lethal, accurate, survivable weapons which can strike all of the resources in NATO which will be left untargeted by the missiles which they have to give up.

So that is point No. 1. It really exacerbates. By itself this treaty will exacerbate the conventional force imbalance.

Point No. 2 is that the treaty, if you eliminate the arsenal of flexibility response, in a battle our commanders and the President, the Commander in Chief, will be forced to leapfrog from conventional warfare up to strategic warfare, skipping the intermediate level because we no longer have any intermediate range weapons left to speak of that are credible, leapfrogging immediately to ICBM's based in the United States. That is a scary scenario, is it not?

A conflict breaks out in Europe. After 8 or 10 days, the Supreme Allied Commander in Europe tells the President: "Look, we have to go to nuclear weapons. We are outgunned. We are overwhelmed. We are in danger of capture and/or annihilation." And that is precisely what the situation would be according to the testimony of our military experts in those commands, calling the President and saying it is annihilation and/or surrender. And we go now to nuclear weapons which of course is the NATO doctrine. We go to nuclear weapons. That is why we have them—force multipliers.

The problem is now we go virtually directly to an exchange of ICBM's between the United States and the Soviet Union.

That is the way we propose to defend Europe once INF is ratified. We are going to launch ICBM's from the United States. That is really nice. That is an elegant defense doctrine and one which is certain to promote a reciprocation by the Soviets. They will do the same thing. You launch ICBM's from the United States against the Soviet Union and indeed the sky is falling then. It will be a black day because we will get the same thing right back in the face.

It was for that reason that we designed and deployed these intermediate level nuclear weapons so that we could deter conventional war in Europe, and if we found that we were losing, which we would lose if a conventional attack were launched, we could at least disrupt it and buy some time during which we could hope to bring in with our adequate sea and air-lift reinforcements and resupply.

Now we will not have that intermediate level any more. We will be forced to go virtually directly discounting these junky battlefield nuclear weapons, which are ancient and inaccurate and unreliable, and again the Senator from New Hampshire is not the only observer of this danger. Former Secretary of State Henry Kissinger, who is not counted as an enemy of arms control or of détente, testified before the Armed Services Committee saying on

this point the INF Treaty and the pressures it generates against the remaining nuclear systems places the predominant burden of nuclear defense on weapons based in the United States or at sea. Secretary of State Kissinger says that the treaty and the pressures it generates against the remaining nuclear systems places the predominant—he did not say more of the burden, or some of the burden—he says places the predominant burden of nuclear defense on weapons based in the United States or at sea.

He is confirming what I have just said and what others have said. You take out this arsenal and this doctrine of flexible response, you leapfrog right up to an all-out nuclear exchange between the United States and the Soviet Union. Such a policy is mad. To rely on strategic weapons for the defense of Europe is insanity. It is asking for trouble. It is asking for all-out nuclear war. It is what we have sought to avoid by deploying these very kinds of weapons which we are now proposing to eliminate.

But there are situations under which the INF Treaty would make sense. If we had reduced the conventional force imbalance first, put the horse before the cart, then this treaty would make sense. Or if we linked this treaty, the INF Treaty to the START Treaty, as I proposed to do in the amendment which I will call up in a moment, then it will begin to make sense. It would certainly make a lot more sense than taking these elements one at a time not knowing for sure if we will ever get a START Treaty because, as a matter of fact, once we ratify this INF Treaty we remove a good deal of the incentives which the Soviets now have to negotiate a meaningful START Treaty and indeed we give them incentives not to agree to such a meaningful START Treaty because they will be sitting very, very pretty indeed if we ratify this treaty as it stands.

They will have conventional superiority, they will have eliminated the intermediate threat, and they will have, at the very least, parity in strategic weapons. So why should they negotiate away a significant number of their strategic warheads, except to save money? And that is a valid argument that the proponents raise.

But it is not an all or nothing proposition. They could strike a balance in between somewhere. They could dig in their heels somewhere and say we will get rid of this many, which they will do for reasons of economy, but keep more, propose to keep more in a weapons mix that would be disadvantageous to NATO. So we are giving them an incentive not to negotiate a good mutually beneficial START Treaty by ratifying this INF Treaty first.

AMENDMENT NO. 2114

(Purpose: To prohibit the entry into force of the Treaty unless and until the Parties have also ratified a Treaty reducing their strategic nuclear arms)

Mr. HUMPHREY. Mr. President, I now call up the amendment which I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 2114.

Add at the end of paragraph 1 of Article XVII of the Treaty the following new sentence:

"Notwithstanding any other provision of this Article or of any other Article or provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the Parties have also exchanged instruments of ratification of a treaty between them which reduces their strategic nuclear arms."

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been listening very carefully to my colleague from New Hampshire. I have listened with a great deal of interest to another day that has been wasted, in the view of this Senator, with regard to moving ahead to provide the President of the United States with the support that I think he needs and is entitled to on a bipartisan basis when he leaves the day after tomorrow for that important summit with the Soviet leader in Moscow.

We have had talk since 9:30 this morning. We have had two votes overwhelmingly against killer type amendments to this treaty.

Certainly the amendment that has just been sent to the desk by the Senator from New Hampshire is the killer amendment of all killer amendments. I would just like to read what this says once again.

Notwithstanding any other provision of this Article or of any other Article or provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the Parties have also exchanged instruments of ratification of a treaty between them which reduces their strategic nuclear arms.

Now, that, Mr. President, is by far the most killer amendment that has been offered, although there have been several.

I just hope that my friend would listen to the President of the United States and would listen to his colleagues on both sides of the aisle who have been pleading with our colleagues who do not see this treaty as they do. I have no quarrel with those who oppose this treaty. They are doing a public service, I think, in bringing forth the objections that they have to this treaty.

I am not faulting them at all for the position they have taken, which I be-

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lieve that they firmly believe is in the best interest of the United States. But I do not agree with that and I certainly do not stand alone. I am backed by the President of the United States. I am backed by 90 percent of the U.S. Senate, Democrats and Republicans alike.

I would simply say that I think it would be in the interest of all if we could move forward and get off of these killer-type amendments that continue to be offered in a redundant fashion. I think they serve no worthwhile purpose, save the delay of the implementation of this treaty.

I hope that we could move in an expeditious fashion.

While I am on this, Mr. President, I would simply point out that the Senate is being held hostage on this matter today and likewise the Senate defense authorization bill is being held hostage. We have forgotten about that, I guess. The defense authorization bill is prepared to be passed except for the controversy on the death penalty amendment.

There comes a time in the U.S. Senate when I think we have to act responsibly. I have heard some talk today about Democratic Presidents doing this when they had a Democratic House and a Democratic Senate and a Democratic this and a Democratic that. I think it is fair to say that, for the most part, when we go beyond the shores of the United States and get into international affairs, there is a blur, at least, of any partisan party lines.

I would simply submit the statement, which I think stands on its own, that the Democrats, by and large, from the beginning of the history of this country have not been bad people that have always done the wrong thing. Now some people, despite that statement, are going to think that that is a fact. I submit to the Senate that that is not the fact.

While the Democratic Party and the Republican Party are not perfect in everything that they have always stood for, I think, when it comes to international affairs, we could look back to World War II when we had a Democratic President of the United States and we had the great Arthur Vandenberg, the Republican chairman of the Foreign Relations Committee, and it was a bipartisan effort.

Certainly, I think, once again, that we should be moving ahead on the defense authorization bill. I am surprised that that has not been brought up and that matter solved, but it has not been. That has been held hostage. This treaty is being held hostage by this type of killer amendment that comes on and on and on, and will be defeated, I suggest, in one form or another, by about the same percentage that the other killer amendments have been defeated in the past.

I simply want to appeal once again, as I have, I believe, every day, Mr. President, that this treaty has been in

debate before the U.S. Senate, that it is time for us to sit down and reason. It is time, I suggest, Mr. President, when we should move ahead. The President of the United States, although he is a Republican, is going there to represent me, a Democrat. He represents all Democrats and all Republicans and all independents and every other party that we have. I believe we are doing a disservice to our President, as the minority leader and the majority leader have both indicated with statements on the floor. I think we are making a serious mistake with the delays that we have encountered now day after day after day.

I believe those who oppose this treaty are opposing it for what they think is right, and that is their right. I simply say that I hope, and I appeal to my friends over there, that small group that are going to do everything that they can to see that this treaty is not ratified, to let reason prevail and move ahead in a more rapid fashion; have as many votes or as many amendments as they want, but let us not string this out in debate that, for all practical purposes, is meaningless.

Mr. PELL. Will the Senator yield for a question?

Mr. EXON. I am happy to yield.

Mr. PELL. As the Senator knows, it is not a question of if it is going to be ratified; it is a question of when it is going to be ratified. In that regard, I think the public has a general desire that we get this done in time for the President to take to Moscow. I am wondering what the Senator's thought is as to the perception that the American public has of this august body as they measure its work on the treaty?

Mr. EXON. In answer to the question of my friend and colleague, since televising of the Senate has enjoyed its competition with soap operas on the television screens, more and more people, I find, in my State of Nebraska, are watching the U.S. Senate. I ask them from time to time what they think of our proceedings. They say, "Why does it take so long to get things done?"

I think, indeed, it is very difficult to explain why it takes so long to get this particular proposition done that has the overwhelming support of the American people, all of our NATO allies, and 90 percent of the U.S. Senate.

Specifically, in regard to the killer amendment that has been offered by the Senator from New Hampshire, I would like to cite what Secretary Carlucci said for the Record in the record that accompanies this treaty from the Foreign Relations Committee.

Limiting strategic nuclear weapons was never the intent of the INF Treaty. That Treaty stands firmly on its own merits. Along with eliminating an entire class of U.S. and Soviet nuclear missiles and establishing stability at a lower level of nuclear arms, it achieves all of the INF negotiating objectives set forth by the U.S. and its NATO allies.

Also, another very important member of this administration in this area particularly, Secretary of State Shultz, and I quote from his statement for the Record:

The INF Treaty was never intended to limit strategic nuclear weapons. It deals comprehensively with a part of the Soviet threat that previous treaties did not deal with. Clearly, the effectiveness of the INF Treaty would be enhanced by a START agreement, but each agreement is valid in its own right. From the point of view of the NATO alliance, it makes no more sense to hold an INF Treaty hostage to a START agreement than it would have to have held a START agreement hostage to INF, if the sequence had been reversed.

Mr. President, I simply say that I hope we will move ahead rapidly on this and I would think that a tabling motion would be proper in the very near future.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Maine.

Mr. COHEN. Mr. President, a number of the amendments that have been offered in recent days have not been without merit. They are not and have not been trivial issues. Many of the issues raised by those Senators who are offering these amendments had certainly crossed the minds of a number of us who serve either on the Armed Services Committee or the Intelligence Committee or, indeed, even on the Foreign Relations Committee.

Those issues were raised. I think that they were sufficiently debated. Those issues that were debated and could not be resolved we called upon the administration to try and resolve and reconcile. They did so to the satisfaction of many of us; not all of us, but many of us.

So it seems to me that some of the issues that were raised last week and are being raised even this week are not without merit. They ought to be debated before this body. But they ought to be resolved as well.

I do not consider this particular issue to fall in that category. I feel a great measure of irony that some of the very people who were critical last week of signing any agreement with the Soviet Union, any agreement whatsoever, now want to mandate that we go forward and sign the START Treaty.

Frankly, there are those of us—I include myself as one of those—who want to proceed with great caution on a START agreement. I made this statement several days ago about not wanting my enthusiastic endorsement of the INF Treaty to be construed in any way as a green light for this administration to proceed to rush pell-mell into an agreement with the Soviet Union on a START agreement; that there were issues that I felt needed to be resolved in certainly a more long-term and forward-looking manner and not simply rushed because of the time constraint to get us to Moscow with another agreement.

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In particular, I was concerned about the verification procedures that might be necessary. I think that we have satisfied ourselves that there is little incentive for the Soviets to engage in cheating under the INF Treaty in producing SS-20's because in fact they can produce SS-25's. So there is little incentive for them to cheat on INF. There is great opportunity for us to determine if in fact they are cheating. And the risk is quite great for them to be detected and called foul for violating that particular rule or prohibition.

So I find it ironic that those individuals who were opposed to signing the INF Treaty now want us to sign a START agreement.

There are serious issues to be resolved dealing with our sea-launched cruise missiles. There are serious issues that remain. If we have a 50 percent reduction, we have a 50 percent retention and to the extent there is a 50 percent retention, that means the Soviet Union would be in a position to test and deploy new systems under a definite counting rule. We would have to tax our verification procedures that much more. So there are serious implications of a START agreement.

Yet the sponsors of this particular amendment would say this cannot become effective until you actually negotiated a START agreement. So I find it ironic that we would find ourselves in this position at this time.

There are other issues that I think certainly are of merit. I do not think that this issue ought to be treated with the same degree of attention we have given to the others and I would hope at an appropriate time we could move quickly on this. There are those who feel we are simply debating an issue, not delaying. This, I do not feel, falls in that category as being an argument or an issue that ought to be debated at length.

I hope those who sponsor the amendment can be called upon to present their arguments, to debate them vigorously, and then to move on to a vote as quickly as we can.

I just concluded a meeting with Secretary of State Shultz. He was very forthcoming in terms of why he feels it would be in our overall interests to present the President with a ratified treaty as he goes to Moscow. But in the event that that does not take place, it certainly will diminish the significance, or perhaps the luster of the summit proceedings. It will not prove catastrophic. It will not be totally debilitating. But it will impair, certainly, the ability of the President to proceed in good faith and try to structure other agreements, perhaps. Not necessarily a START agreement, but there are other agreements that certainly could be the building blocks for a better relationship with the Soviet Union.

I think it is important that we try to achieve that goal. In the event that it is impossible to do so then we can still

present the President with a ratified treaty before he departs from Moscow.

That would not be my desire. I would hope we could do better than that, but in the event that is all we can do we should do it.

This particular amendment is designed to preclude any of that from taking place and I would hope that those who support this amendment will be on the floor to debate it vigorously and that we can resolve it and dispose of it as soon as possible.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, obviously it would be nice, it would be great if we could have the START Treaty and the INF Treaty under our belts. We should recognize, too, that the INF Treaty only covers about 5 percent of the deployed nuclear weapons. The START Treaty, which would affect about 30 to 40 percent of the total number of strategic weapons, and 50 percent of the Soviet ballistic missiles, is obviously a great deal more important.

But the fact remains that we need to get started. The INF Treaty is at least a big first step. Generally speaking, in this Chamber and elsewhere in life, if you can get a quarter of a loaf or an eighth of a loaf, it is better than no loaf.

For that reason, I think we should move ahead on this and still, hopefully, move ahead on START.

We are a long way, though, from completing a treaty reducing strategic arms. Since we are a long way from completing a START Treaty, this amendment, if passed, would delay ratification of INF for a long, long time; perhaps even past the present administration.

We ought to bear in mind that it is the Soviet Union, originally, that had sought to establish linkage between INF and START and such linkage was wisely opposed by our negotiators.

I can remember, as an observer in Geneva, when the Soviet delegation there was pressing for this linkage and we were opposing it. Establishing such a linkage on the floor of the Senate would, in my view, be an error. The NATO alliance would view such linkage as an attempt to renege on President Reagan's 1981 zero option proposal.

The INF Treaty should, I believe, stand or fall on its own merits.

I believe this is a killer amendment because it holds ratification of the INF Treaty hostage to the highly uncertain completion of a START Treaty.

I believe we will get a START Treaty eventually. We either will or we blow ourselves up. But that is some time off in the future and for the time being let us get on with the INF.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, speaking for myself, I have not a great deal more to say on this point. I want

to respond to a few arguments raised by the opponents on behalf of the proponents.

The Senator from Nebraska suggested that Senators speaking in opposition have resorted to dilatory tactics. I do not think anyone can fairly regard the correction of acknowledged technical errors by both the proponents and the opponents themselves as dilatory.

We are making domestic law here if we ratify. The treaty becomes the law of the land.

When technical errors in a treaty, or in any document that will become domestic law, so to speak, and discovered and acknowledged, they ought to be corrected, particularly in the case of a treaty, which will last in perpetuity and will certainly outlast those who are giving it their own interpretation today.

So we have not been dilatory, nor do I think it was dilatory when the Senator from Wyoming offered an amendment, which amendment was praised by the chairman of the Senate Armed Services Committee who is a Democrat and who supports the treaty.

So I think it is really unfair. Indeed, if there has been any branch of protocol, it has been on the part of the proponents who have sought or tried to fly with this treaty through the Senate will unseemly speed and would seek to deny us a fair opportunity to ventilate our thoughts and make our arguments, all in the name of giving the President something to carry to Moscow.

The Republic will survive if President Reagan does not have this to carry to Moscow. The problems will remain. It will not make any difference in history, and it will not make any difference with respect to our national security if this document is exchanged this Wednesday, Thursday, Friday, or a week later by underlings in place of the President and the General Secretary.

The Senator from Maine, my friend and neighbor, calls this is a killer amendment. If the Senator from New Hampshire is a killer, then so is—

Mr. COHEN. Will the Senator yield? I did not call it a killer amendment. I said it did not merit very long debate. I did not call it a killer amendment.

Mr. HUMPHREY. I beg the Senator's pardon. I must have confused his remarks with the remarks of someone else.

Mr. PELL. I called it that.

Mr. HUMPHREY. I thank the Senator from Rhode Island. I simply make the point this amendment rose out of the testimony of Eugene Rostow, former Director of the Arms Control and Disarmament Agency.

Let me say on this score—I remember now—the point of the Senator from Maine was he saw some irony. Let me relieve the Senator of some of his sense of irony. Speaking for this Senator, I believe, yet I have yet to see, that it is possible to have arms

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control treaties which enhance national security and reduce the costs of national security, at least will not make them greater.

I have not seen one yet. That is because the State Department is always in such a rush to make a deal, to rush off to Moscow to raise glasses in toasts.

If this very treaty had come after success at the MVFR talks where the Soviets made substantial asymmetrical reductions in their forces, then it would make sense, and the Senator from New Hampshire would support it. That is not the case. The cart is before the horse.

We will return ourselves to some very difficult problems, dangerous problems, and some new ones besides if we ratify this treaty now in advance of MVFR reductions or, at the very least, in advance of knowing what the outlines are for sure of the START Treaty that seems to be coming down the road.

Mr. COHEN. Will the Senator yield? Mr. HUMPHREY. So I want to relieve the Senator of some irony and hope he will be comfortable with the amendment.

Mr. COHEN. As I understand the amendment, what the amendment says is that we will withhold the ratification of this particular treaty until we have a START agreement. Is the Senator from New Hampshire in favor of a START agreement with 50 percent reduction as currently proposed? Is that what the Senator wants the President to carry to Mr. Gorbachev when he goes to Moscow? Is that the argument of the Senator because if it is, he may find considerable support for his position.

Is the Senator urging the administration to negotiate such an agreement when it goes to Moscow?

Mr. HUMPHREY. No, I am not. Neither am I prepared to endorse the terms of the START Treaty until I have heard weeks, if not months, of testimony which will come down the road. For Senators to jump to conclusions on such matters does not serve our security.

Mr. COHEN. Just for clarification purposes, the Senator from New Hampshire is not suggesting that the administration undertake or reach any kind of accord on a START agreement while he is in Moscow.

Mr. HUMPHREY. No, indeed. I think the summits are the wrong place to negotiate on matters of national security. That ought to be done at a lower level very carefully, step by step, prudently and then brought to the President to discuss with the General Secretary.

To do so, a la Reykjavik, is irresponsible and dangerous. I certainly would not want to give the impression that that is what the Senator is urging by virtue of this amendment.

Mr. COHEN. If the Senator will yield further, that is why I was struck by the irony because it appeared from

the face of the amendment the Senator from New Hampshire was urging the President forthwith to negotiate a START agreement so he can, therefore, come back and seek ratification of the INF Treaty.

Mr. HUMPHREY. I am glad the Senator raised that point. That is not certainly what I wanted to occur. It is certainly the opposite.

I will conclude by using the words of Eugene Rostow. I gave him credit for the amendment. Indeed, I call it the Rostow amendment.

Here is what the Arms Control Director Rostow had to say before the Foreign Relations Committee. It, I hope, sums up all I have tried to say in my remarks on this amendment.

Mr. Rostow said:

The effort to ratify the INF Treaty before we are assured of sound agreements on the other elements in the nuclear equation violates the most basic principle of nuclear force analysis, namely, that the politico-military effects of particular nuclear forces can be evaluated only in the context of the Soviet-American nuclear balance as a whole.

In 1972, Ambassador Gerard Smith, our chief negotiator in the SALT I talks, formally declared that "The supreme interests of the United States" preclude final agreement on one part of the nuclear equation until the others are dealt with as well.

As Dr. Rostow concluded: "That policy is as sound today as it was when it was announced."

He, of course, is absolutely right. Let us see the whole equation. Let us be able to see that landscape out there. Let us not be basing national security on a quick peer through some fog as we are seeking to do today. Let us know what we are dealing with.

Just a few more of Dr. Rostow's statements to conclude:

From the point of view of negotiating tactics, ratifying INF now would be a serious mistake. Once we ratify an INF agreement, an agreement on START and on defensive systems would become urgent for us. We should then be under great pressure to make concessions in order to get a START agreement and to reach an agreed position on defensive systems.

The Senator from Maine a moment ago talked about the imprudence of placing ourselves under pressure. Here Mr. Rostow talks about another kind of pressure under which our negotiators would find themselves if we ratified INF separately, effectuated INF separately from START.

He went on to say:

Under such circumstances, it would be virtually impossible for us to persuade the Soviet Union to return to the interpretation of the ABM Treaty on which the Soviet Union insisted when the treaty was drafted and signed and which the United States has now embraced.

And it can hardly be supposed that the pressures of election-year politics in the United States would provide a favorable environment for arms control negotiations.

That is a shrewd observation, is it not? It would probably be unwise if we tried to deal with START, especially one that came out of this Moscow summit, spring out of this Moscow

summit, a flower in the Moscow spring. To try to deal with it in the remaining political months between now, August, or September, would not be the best of circumstances under which to dispose of our national security.

Then he went on to say:

It would be more practical and more convincing to delay the ratification of INF until the negotiations in Geneva on START and space questions run their course. The same end could be achieved through a reservation or amendment put forward by the Senate and accepted by the Soviet Union when the instruments of ratifications are exchanged.

There is the genesis of the Rostow amendment, if you will, which is now before us. He said:

If a sound arms control package is achieved, the INF Treaty in its present form would be acceptable as part of it. But more than 20 strenuous and disappointing years of nuclear arms negotiation should persuade us that we have no right to risk the security of the Nation until we have a firm and tangible basis for confidence that the Soviet Government under Mr. Gorbachev has indeed abandoned its policy of indefinite expansion backed by overwhelming nuclear power.

A nuclear arms agreement would be worse than useless if it turned out simply to legitimize conventional war, proxy war, terrorism and subversion without fear of escalation at the nuclear level.

Mr. President, the amendment before us simply links the effective date of the INF Treaty before us to the exchange of instruments of ratification of a START Treaty. It is a very simple, straightforward amendment. It is a good amendment. I hope the Senate will accept it.

Mr. PELL and Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I think this has been amply debated. I announced my intention. I would now move to table the amendment of the Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, will the Senator withhold for just a moment.

Mr. PELL. I withhold for 1 minute.

Mr. HUMPHREY. I thank the Senator from his courtesy in doing it. I would plead with the Senate to allow other Senators who wish to speak to speak. I really do feel that we are being rushed along unreasonably. If it is the disposition of the leadership to constantly cut off Senators who wish to debate, then I see no alternative for us than to introduce other amendments which we really had not intended to introduce.

Mr. SYMMS. Mr. President, I just—

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. SYMMS. I wish to speak for less than 5 minutes, maybe 3 minutes.

Mr. PELL. I ask unanimous consent to yield 5 minutes to the Senator without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. I thank the Senator very much.

Mr. President, I think it is important that the amendment of the Senator from New Hampshire have at least the consideration of our colleagues to recognize that the executive branch has always considered the INF Treaty and the START Treaty, which is still under negotiation, to be integrally linked. One treaty is dependent upon the other. Now, I heard the comments made earlier on the floor, but I do believe there is also substantial evidence spread across the RECORD from testimony that we have heard that people do think the START Treaty is important with relationship to the INF Treaty. Some of us, and this Senator particularly, have called the INF Treaty only the appetizer to the main course, which is the START Treaty. Maybe the amendment of the Senator from New Hampshire would make it be the dessert to the main course, but I think that you cannot separate out the two treaties. Yet the Senate is being asked to give ratification to the first half of the appetizer portion of this prior to having seen the main course.

It is an incomplete package, Mr. President. We are being asked to put the cart before the horse. That is what it amounts to. We only have half of the total package. It is true that it is 3 percent of the delivery systems. It is interesting how it constantly gets reported as 3 percent of the nuclear weapons when it is zero percent of the nuclear weapons and 3 percent of the ability to deliver those same weapons. But I believe it has been an ill-advised, it is a hastily-negotiated START Treaty, and it seems to me that it would be somewhat dangerous; when we are talking about our national security in the interest of START we are negotiating our vital strategic deterrent and yet we are being asked to give up this important, critical INF capability, the deterrence in Western Europe prior to knowing what might come down the road.

Now, I believe because of the grave stakes, Mr. President, involved in the INF/START package we ought to wait and see what is in the START Treaty before we vote on the INF Treaty. Not only is this sound logic and common sense, but I believe it is a safeguard to our supreme interests.

Mr. President, I thank the Senator from Rhode Island and the Senator from Maine for making that time available to me and I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. PELL. I have the floor and I would now move to table the—

Mr. HELMS. The Senator is well within his rights to move to table. I just wonder if he would under the circumstances yield me 2 or 3 minutes.

Mr. PELL. I yield 3 minutes to the Senator from North Carolina.

Mr. HELMS. I probably will not take that much time.

The PRESIDING OFFICER. The Senator from North Carolina is yielded 3 minutes while the Senator from Rhode Island retains the right to the floor.

Mr. HELMS. I thank the Chair.

Mr. President, this could very well be one of the most important amendments, if not the most important, on which the Senate will vote during this debate. I say that because this amendment would solve one of the principal, perhaps the principal, conceptual defects of the INF Treaty.

That defect is that the Senate is being asked to approve the INF proposal in a void—in a complete absence of adequate information about what the parties intend to do about both the conventional and the strategic imbalance favoring the Soviet Union—particularly the strategic nuclear imbalance, Mr. President, because that is what is presently on the front burner at the State Department.

Now, Mr. President, a number of Senators have attempted to minimize the significance of the INF Treaty. Not the Senator from North Carolina, but other Senators who have pointed out repeatedly that only 3 percent of the nuclear arsenals of the parties are covered by this INF proposal. So we are told repeatedly that this treaty really is not all that important.

But it is important, Mr. President, because the 3 percent includes virtually all—virtually all—of NATO's present nuclear deterrent.

Now what does that really do, Mr. President, when all of that fat is boiled away? What it means is that with no NATO nuclear deterrent, the nuclear deterrent, if there is any, is going to be our strategic nuclear deterrent based right here in the United States. That is right, Mr. President, our nuclear deterrent right here in the American homeland. Not Europe but America—Kansas, Montana, the submarine bases on the coast, Wyoming, Iowa, North Dakota, Texas—virtually every State in the Union is, for example, like Nebraska with Offutt Air Force Base with its strategic bombers—these are the places, Mr. President, where the INF Treaty is going to put the nuclear deterrent for NATO—not in Europe but right here, right here in the United States.

So, Mr. President, what the whole thing boils down to is this: We are leaving the trip wire for nuclear war in Europe—our American sons and their wives and children—we are leaving them there as a trip wire for war—but we are moving the nuclear deterrent protecting them back to the United States.

Now, what that does, Mr. President is to make our troops and their dependents hostages unless—unless the American people here in the American homeland are themselves willing to be

on the front line because without the nuclear weapons here our troops there are unprotected.

Before INF, the trip wire and the deterrent are both in Europe. After INF, the trip wire remains in Europe because our troops and their families remain, but the deterrent is here and every man, woman, and child in this country will be on the front line because we cannot defend Europe for more than seven days without resort to nuclear weapons—and without the INF deterrent that is going to mean—sooner or later, Mr. President—facing the choice of using strategic weapons coming from—yes, Mr. President, from Iowa, Nebraska, North Dakota, Texas, and so forth—or of abandoning our soldiers to another Dunkirk where we can watch the remnants of our Army being hauled off in fishing boats.

So, Mr. President, that is why this amendment is critical. It is essential that this amendment be adopted because without this amendment the Senate will be taking on blind faith that the strategic forces left to the United States after START will be sufficient to deter both general nuclear war and to provide some measure of deterrence for our personnel in Europe.

In short, INF leaves the trip wire in place and shifts the deterrent burden squarely onto the shoulders of all Americans—while START—START, Mr. President, will leave the trip wire, in Europe, but reduce even further the deterrent in America.

So what is wrong with the Senate knowing exactly what is in START, and having approved it, if it approves it, before starting to tear up our INF deterrent? What possibly can be wrong with that?

I know that the State Department will say this treaty stands on its own. But the State Department has already conceded it made more than 40 errors in fact in this treaty and one of them, perhaps unadmitted at this stage, is that weapons and weapons systems do not exist in a vacuum. They exist in the world as it is. They exist at geographic locations. Most importantly, they exist in conjunction with other weapons and force structure.

Does the Senate really believe that a strategic nuclear warhead on an SS-25 will know that it has been aimed at a NATO target and refuse to explode? We have got to get serious with each other and the American people.

START is—is directly related to INF. INF is dangerous in its own right—how much more dangerous will it be if we have a bad START Treaty? Isn't it prudent for the Senate to at least see—at least to have some concept of START—before allowing INF to enter into effect? What is wrong with that? What is wrong with heeding the warning on this exact point given by General Rogers.

I thank the Senator from Rhode Island for yielding to me.

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Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. PELL. I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. Without objection, the Senator from Maine is yielded 2 minutes.

Mr. COHEN. Mr. President, let me respond to my friend from North Carolina. To say there will be no nuclear deterrent left in Europe is not accurate. There will be, indeed, a nuclear deterrent left in Europe. We still have, for example, sea-launched cruise missiles that will be near our European friends that the Soviets cannot ignore. There will still be air-launched cruise missiles that will be near our friends the Soviets are still quite concerned about. In fact, they are trying to constrain those under a START agreement.

Now, if I had my druthers, I would say it would have been better to have proceeded with the START agreement prior to the INF Treaty. That is not the case. That is not what is before us. The INF Treaty has been presented, has been signed, and now is before us for ratification.

Those who argue that we ought to defer this matter until we have a full-fledged START agreement presented to the Senate may do wonderfully well in the world of academe but the fact is we have to deal in the world of practicality. If anyone in this Chamber feels that by defeating or delaying or deferring the INF Treaty we are going to be able to keep and maintain our Pershing II's and our ground-launched cruise missiles in Europe, I think that they are sadly mistaken. I believe the political pressure will be so great for the European countries which expressed such great political courage in the first place in deploying those systems that there will be tremendous political pressure put upon the leaders who support the INF Treaty to therefore disband them and move them out of the European theater.

I think we would then end up in a situation where we have no ground-launched cruise missiles, no Pershings, and the Soviet SS-20's and other intermediate-range systems will be totally unconstrained. For that reason I think the amendment should be defeated.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. HELMS. Will the Senator allow me another minute?

Mr. PELL. Yes.

The PRESIDING OFFICER. Without objection, the Senator from North Carolina is recognized for 1 minute.

Mr. HELMS. Maybe the distinguished Senator from Maine misunderstood what I said. But in any case the 4,000 warheads remaining in Western Europe are insufficient to deter a Soviet attack. That means reliance on strategic forces and puts Americans here on the front line. There is no

question about that. General Rogers testified before the Foreign Relations Committee, and I do not know what he did before the other committee. But he said:

For example, there are those who say that with 4,000 warheads left, they are enough to deter. Remember that what we have to do is to conjure up a perception of disadvantage, a perception of pain in the Soviets' mind, because deterrence is in the eye of the beholder.

What, in fact, we will have left in that 4,000 NATO stockpile will be a few maritime depth charges, with a range of zero; hundreds of artillery-fired atomic projectiles, with a range of 9 miles; obsolescent Lance weapons, with a range of 66 miles; the 72 German Pershing Ia's, which will be given up by the Germans; and, finally, the dual-capable aircraft with a range of 180 to 200 miles.

Those weapon systems will not create the perception of pain in the Soviet mind because they cannot strike militarily significant Soviet targets, either on Soviet soil or on non-Soviet Warsaw pact soil.

It is not a question of numbers of warheads. The real question is: After this treaty has been implemented, will NATO have the weapons platforms that can propel nuclear warheads onto military significant Soviet targets, and do the Soviets know that we can do it?

After this treaty is implemented, the answer will be: "No."

Mr. PELL. Mr. President, I move to table the amendment of the Senator from New Hampshire and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island to lay on the table the amendment of the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Washington [Mr. ADAMS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAU], the Senator from Florida [Mr. CHILES], the Senator from California [Mr. CRANSTON], the Senator from Hawaii [Mr. INOUE], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Arkansas [Mr. PRYOR], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. HEINZ], the Senator from Arizona [Mr. MCCAIN], and the Senator from South Dakota [Mr. PRESSLER], are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. HEINZ] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 5, as follows:

[Rollcall Vote No. 154 Ex.]

YEAS—81

Armstrong	Garn	Nickles
Baucus	Glenn	Nunn
Bentsen	Gore	Packwood
Bingaman	Graham	Pell
Bond	Gramm	Proxmire
Boren	Grassley	Quayle
Boschwitz	Harkin	Reld
Bumpers	Hatfield	Riegle
Burdick	Heflin	Rockefeller
Byrd	Hollings	Roth
Chafee	Johnston	Rudman
Cochran	Karnes	Sanford
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Sasser
D'Amato	Kennedy	Shelby
Danforth	Kerry	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dixon	Levin	Stafford
Dodd	Lugar	Stevens
Dole	Matsunaga	Thurmond
Domenici	McClure	Trible
Durenberger	McConnell	Wallop
Evans	Melcher	Warner
Exon	Mikulski	Weicker
Ford	Mitchell	Wilson
Fowler	Murkowski	Wirth

NAYS—5

Hatch	Helms	Symms
Hecht	Humphrey	

NOT VOTING—14

Adams	Cranston	Moynihan
Biden	Heinz	Pressler
Bradley	Inouye	Pryor
Breaux	McCain	Stennis
Chiles	Metzenbaum	

So the motion to lay on the table amendment No. 2114 was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

Mr. LUGAR. Mr. President, the distinguished former chairman of the Senate Foreign Relations Committee, Charles Percy, has written an unusually good argument with regard to the Intermediate Nuclear Force Treaty which we are now debating.

I ask unanimous consent that this excellent statement which appears in the Washington Times of today, May 23, 1988, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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ADVICE, CONSENT . . . AND DISSENT ON INF
PACTWHY THE SENATE SHOULD SAY YES
(By Charles Percy)

Although the Senate last week decisively rejected the first round of proposed "killer" amendments to the Intermediate-Range Nuclear Forces Treaty, signed last December by President Ronald Reagan and Soviet General Secretary Mikhail Gorbachev, the key question remains whether Senate ratification will occur before Mr. Reagan meets again with Mr. Gorbachev next week.

Mr. Reagan has asserted that Senate failure to approve the INF Treaty by then would put "a strain" on the summit meeting. But no one, including the president, is suggesting that the Senate ratify the INF agreement simply because the summit would otherwise be complicated.

Rather, the president wants to capitalize in Moscow on the momentum for other arms control agreements that a ratified INF Treaty would provide.

Second, the president and the Senate leadership on both sides of the political aisle agree that there is no substantive issue about the treaty itself that should prevent ratification by then.

The basic questions about the treaty have been addressed in three months of Senate hearings and the more than 1,000 written questions the Senate has posed to administration and other witnesses.

Final hearings last week in the Senate Foreign Relations, Intelligence and Armed Services committees reviewed the technical agreement reached in Geneva two weeks ago between Secretary of State George Shultz and Soviet Foreign Minister Eduard Shevardnadze. The overwhelming consensus in this country and in the Free World is that the INF agreement represents a major advance for Western security and international stability.

Even though most of the tough issues surrounding the INF Treaty have been resolved and eventual ratification appears certain, two problems remain.

First, Senate opponents of the INF Treaty are expected to offer additional "killer" and "procedural" amendments to the treaty text. The "killer" amendments, if passed, would be attached to the INF Treaty itself and require renegotiation with the U.S.S.R., while the "procedural" amendments are designed to stall Senate consideration of the treaty. These amendments, as Republican Sen. Richard G. Lugar of Indiana commented on Friday, would "gut the effort of our president."

The second problem concerns a proposed stipulation in the resolution of ratification, the document that actually represents the Senate's advice and consent on the treaty. Under the provision, already approved by the Foreign Relations Committee, Senate Democrats want to preclude executive branch reinterpretation of the accord without congressional consent. Party leaders thus far have been unsuccessful in forging compromise language.

It would be tragic if these roadblocks are not quickly removed. The upshot of a delayed INF Treaty is clear: The best chance for further progress in controlling the U.S.-Soviet arms race will evaporate.

Put another way, if an arms control agreement negotiated by the most conservative president in recent history cannot pass Senate muster, the prospects for approval of any arms treaty in the near- to medium-term are virtually nil. Recent history bears out this proposition.

The fact is that the Senate has not ratified a U.S.-Soviet arms agreement since 1972. Following the approval of SALT I,

three successive treaties have not gained Senate ratification.

Without delving into the relative merits of each of these treaties, it is also a fact that none has been the subject of an up-or-down vote before the full Senate. The most far-reaching of the three agreements, SALT II, was of course withdrawn from Senate consideration by Mr. Carter because of the Soviet invasion of Afghanistan.

The INF Treaty, however, has already traveled much further down the road to ratification. By overcoming the last obstacles to approval of the accord, the Senate has an opportunity to ensure significant progress on arms control, the paramount issue facing mankind. Not in recent history has its advice and consent role been more crucial or more visible to the American people. The Senate can do itself no greater credit than to work together to approve the INF accord in time for Mr. Reagan's Moscow summit.

Mr. DOLE. Mr. President, I think the votes continue to indicate that the vast majority in this Chamber would like to get on with the Resolution of Ratification. Not shutting off any amendments, but again today we only disposed of three.

Again, I do not want to shut off the Senator from North Carolina or anybody else, but it may be the only way we are going to be able to finally get down to where we can at least see the end is through filing a cloture motion and hopefully invoking cloture, and then we have at least the parameters and we know where they are.

I had thought about doing that today, again, with no criticism of anyone, just to do it, to demonstrate that we are trying to do everything we can to complete action on this treaty.

I just say for myself, and maybe others may or may not agree, I hope we can still get it done and get it over to the President so that there might be an exchange of Articles of Ratification.

I am not certain when that will come, but one indication is maybe a week from today. And we have Tuesday, Wednesday, Thursday, Friday, and the majority leader has indicated maybe Saturday. There is also an indication that maybe after this evening, because there are a number of conflicts, maybe tomorrow night and maybe other nights this week we might go a little longer.

But I have discussed the cloture motion with the distinguished majority leader. I will not file it this evening. We will discuss it at our caucus tomorrow, and I will visit again with the majority leader sometime tomorrow. I do not want to shut anybody off, but I do want to serve notice that it may come to that.

I do not quarrel with the Senator from North Carolina. We had a visit this afternoon. I asked him how many more amendments. He was not certain. That is his right.

I think the Senator from New Hampshire may have one additional amendment. He indicated the other day he might have two. The Senator from Idaho, Senator SYMMS, indicated

he did not have any more. I am not certain about the Senator from Wyoming. I believe he does not have any more. He may have a category 2 or 3 amendment to the resolution of ratification.

So that is sort of narrowed down. But there is still no certainty when we may finally get to the resolution of ratification.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. DOLE. I yield.

Mr. BYRD. Mr. President, I intend to examine the amendments that are at the desk coming from this side and discuss the matter in conference tomorrow. I just want to be sure that cloture does not create a problem for Senators on this side who have legitimate amendments that may all be germane—I am not sure—but I am especially interested in the committee amendment and as soon as I can make that determination, I may be in a position to offer a cloture motion. That way the distinguished Republican leader and I can join?

Mr. DOLE. I thank the majority leader.

Mr. BYRD. Mr. President, I thank the Republican leader.

IMPLICATIONS OF THE BIDEN
CONDITION

Mr. SPECTER. Mr. President, I am opposed to the so-called Biden condition, which I more appropriately refer to as the ABM reinterpretation condition, because it revises international law on treaty interpretation, confuses U.S. constitutional law on treaty ratification, and interjects in the deliberations on the INF Treaty an attempt to resolve the continuing dispute over the ABM Treaty.

As I stated on this floor on May 18, inclusion of the ABM reinterpretation condition is the resolution of ratification by the Senate Foreign Relations Committee has proven to be a detrimental factor in debate on the INF Treaty which continues to threaten the treaty's ratification.

The ABM reinterpretation condition poses three serious implications for treaty interpretation. The condition would: First, fundamentally change international law on treaty interpretation; second, change and confuse U.S. constitutional law regarding the Senate's role in the treaty ratification process; and third, necessarily implicate the complex facts of the ABM Treaty and its interpretation.

I. INTERNATIONAL LAW ON TREATY
INTERPRETATION

Mr. President, the ABM reinterpretation condition fundamentally changes international treaty interpretation.

The ABM reinterpretation condition establishes, in effect, a two-treaty doctrine, where there is a treaty between the executive branch and the Soviet Union and simultaneously a second

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treaty between the executive branch and the U.S. Senate. This concept is discussed at length in chapter IX of the Senate Foreign Relations Committee report on the INF Treaty entitled "Treaty Interpretation, condition adopted by the committee," which, in effect, gives primacy to the agreements reached between the executive branch and the Senate. The committee report's analysis of the ABM reinterpretation condition creates confusion and contradiction in the treaty ratification process, and represents a turf battle between the two branches.

Although it includes reference to the "common understanding" between the executive branch and the Senate "based on the text of the treaty" and "authoritative representations," the ABM reinterpretation condition elevates the provisions of the understanding reached between the executive branch and the Senate, making them paramount to the understanding between the executive branch and the foreign nation. Subsection (a) of the condition reads:

The United States shall interpret this treaty in accordance with the understanding of the treaty shared by the executive and the Senate at the time of Senate consent to ratification.

Chapter IX of the Senate Foreign Relations Committee report includes a number of references establishing the committee's priorities in the treaty ratification process. For example, the committee report states:

The Legal Adviser's statement implies that the meaning of a U.S.-Soviet treaty is to be gleaned not by examination of what the President and the Senate jointly understood, but by examination of what the President and the Soviets agreed upon—regardless of what the President may or may not have told the Senate.

Report at 92. This statement and other similar statements throughout chapter IX of the committee report establish the committee's view and the underlying doctrine of the ABM reinterpretation condition that the paramount consideration in treaty interpretation is what was agreed upon between the President and the U.S. Senate.

Mr. President, a treaty is valid and binding only if it establishes mutual obligations between the two contracting parties—in the case of the INF Treaty, the United States and the Soviet Union. Although the Senate's understanding plays a critical role in what the United States agrees to in the treaty process, it certainly is not the dominant factor to be considered in interpreting a treaty.

In this regard, the ABM reinterpretation condition turns the international law of treaty interpretation on its head, because the dominant consideration in interpreting an international treaty is what was agreed upon between the two nations—the intent of the parties. The committee report, however, reads:

In sum, although internal Executive memoranda and other negotiating materials may have been available to Members of the Senate, some of whom have sought to assure themselves that this "record" is consistent with the Administration's formal presentation, the clear corollary of the constitutional principles cited in the Biden Condition is that such documents need not have been examined for consistency and should not be deemed material to U.S. interpretation of the INF Treaty insofar as they are inconsistent with the Executive Branch's formal presentation of the INF Treaty.

Report at 101 (emphasis added). The committee's conclusion that such documents are not material flatly contradicts firmly established principles of treaty interpretation. The committee report notes that only the Senate's understanding matters, and does not mention the subsequent practices of the parties—thereby inferentially deeming them irrelevant as well.

The committee's attempt to exclude the negotiating record and the subsequent practices of the parties by placing sole reliance on what the committee defines as the Senate's understanding clearly revises treaty interpretation under international law, which recognizes that a treaty reflects the intent of the parties. The parties to the INF Treaty are the United States and the Soviet Union; the Senate is not, nor should be considered, an independent party. The committee report, however, requires a treaty to be in accordance with what the committee determines the Senate's understanding to be regarding that treaty.

By elevating the Senate's understanding of the agreements between the executive branch and the Senate, the ABM reinterpretation condition subordinates the agreements reached between the President and the other contracting country—the Soviets in the case of the INF Treaty—to the indicia of the Senate's intention.

The condition's effect of elevating the Senate's understanding of agreements reached between the President and the Senate may instill reluctance in other nations to negotiate treaties with the United States. Nations like the Soviet Union may be far less willing to enter into treaties with the United States if we claim that such treaties will be interpreted in light of the intentions of the U.S. Senate. The United States certainly would object—vociferously—if another country asserted a similar condition.

The ABM reinterpretation condition also has the effect of proposing a dramatic and one-sided change in the interpretation of international law, by urging that international agreements should be interpreted without regard to the intent of the parties, whenever that intent conflicts with the intent of the U.S. Senate.

Mr. President, to the contrary, the Supreme Court of the United States and established constitutional doctrine clearly recognize the following vital factors in treaty interpretation: the negotiations, the terms of the treaty,

the negotiating record, and the practical construction adopted by the parties, also referred to as the "subsequent practice" of the parties.

The U.S. Supreme Court recently restated this fundamental tenet of treaty interpretation. In *Societe Nationale Industrielle Aerospatiale v. U.S. District Court for the Southern District of Iowa*, slip op. 85-1695 (1987), the Supreme Court stated:

In interpreting an international treaty, we are mindful that it is "in the nature of a contract between nations" . . . [and] The treaty's history, "the negotiations, and the practical construction adopted by the parties" may also be relevant.

Id. at 10.

The Senate Foreign Relations Committee report on the INF Treaty is inconsistent with this firmly established principle. It is possible that the understanding between the Senate and the President may be at variance with what the United States agreed to with the other contracting country. In such cases, the Senate's understanding is an important, but not the determinative factor—or even the factor to be considered first.

In cases of ambiguity regarding interpretation of a treaty, the law is clear that the negotiating record and the subsequent practices of the parties are the critical factors in resolving the ambiguity. The Senate should reject contrary statements included in the committee report.

II. U.S. CONSTITUTIONAL LAW

The ABM reinterpretation condition changes and confuses U.S. constitutional law regarding the Senate's role in the treaty ratification process.

Mr. President, the law is well established that the executive interprets the meaning of a treaty. The "Restatement of the Foreign Relations Law of the United States," section 326, sets forth U.S. law on the authority to interpret international agreements:

(1) The President has authority to determine the interpretation of an international agreement to be asserted by the United States in its relations with other states.

(2) Courts in the United States have final authority to interpret an international agreement for purposes of applying it as law in the United States, but will give great weight to an interpretation made by the executive branch.

"Restatement of the Law Third," American Institute (1987) at 202. The "Restatement's" Comment elaborates on Presidential authority to interpret treaties:

The President has authority to interpret international agreements for the purpose of United States foreign relations since he is the country's "sole organ" in its international relations and is responsible for carrying out agreements with other nations. . . . The Senate, whose consent is necessary for the United States to conclude a treaty, has no special role in the implementation of the treaty after it is made, though, of course, it participates equally with the House of Representatives in enacting implementing legislation or appropriating funds. Interpretation by the Senate of a treaty after it has

been concluded may have no special authority, but understandings expressed by the Senate in giving its advice and consent must be respected. *Id.*, comment a.

Professor Henkin, who is extensively relied upon by the Foreign Relations Committee, has posited a similar doctrine:

The obligation and authority to implement or enforce a treaty involve also the obligation and authority to interpret what the treaty requires. For international purposes, no doubt, the President determines the United States position as to the meaning of a treaty. Domestically, too, since the President has usually the principal, often the sole, responsibility to execute a treaty, the treaty means what he says it means. Henkin, "Foreign Affairs and the Constitution" 167 (1972).

The Supreme Court also addressed subsequent Senate interpretation of a treaty in *Fourteen Diamond Rings v. United States*, 183 U.S. 176 (1901). The Court considered the Senate's adoption of a resolution, subsequent to ratification of a peace treaty between the United States and Spain, which attempted to clarify the application of customs duties to the Philippines, and determined "that it is absolutely without legal significance on the treaty interpretation question before us." *Id.* at 180. The Supreme Court held:

The meaning of the treaty cannot be controlled by subsequent explanations of some of those who may have voted to ratify it. *Id.*

In a concurring opinion, Justice Brown stated that the Senate resolution "cannot be regarded as part of the treaty, since it received neither the approval of the President nor the consent of the other contracting power." *Id.* at 182. Justice Brown also discussed at length the treaty ratification process and the authority to interpret treaties:

A treaty . . . [i]n its essence is a contract. It differs from an ordinary contract only in being an agreement between independent states instead of private parties. . . . Obviously, the treaty must contain the whole contract between the parties, and the power of the Senate is limited to a ratification of such terms as have already been agreed upon between the President, acting for the United States, and the commissioners of the other contracting power. The Senate has no right to ratify the treaty and introduce new terms into it, which shall be obligatory upon the other power, although it may refuse its ratification, or make such ratification conditional upon the adoption of amendments to the treaty.

Id. at 182-83. Justice Brown concluded that the resolution at issue "can be considered only as expressing the individual views of the Senators voting upon it." *Id.* at 184.

Mr. President, the principles of treaty interpretation which apply in cases of ambiguity are similar to those used in determining the legislative intent of a statute. This standard was outlined by the Supreme Court in *Japan Whaling Association v. American Cetacean Society*, slip op. No. 85-954 (1986):

If a statute is silent or ambiguous with respect to the question at issue, our longstanding practice is to defer to the "execu-

tive department's construction of a statutory scheme it is entrusted to administer" [quoting *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. at 843] unless the legislative history of the enactment shows with sufficient clarity that the agency construction is contrary to the will of Congress.

Id. at 11. The Court continued:

It may be that the legislative history of these amendments [at issue] there are scattered statements hinting at the per se rules advocated by respondents, but read as a whole, we are quite unconvinced that this history clearly indicates, contrary to what we and the Secretary have concluded is a permissible reading of the statute. . . .

Id. at 18. In this case, the Supreme Court clearly indicated that it is the executive branch which interprets the statute, just as it is the executive branch which interprets a treaty.

The U.S. Supreme Court articulated the same doctrine in *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984). The Court stated:

When a court reviews an agency's construction of the statute which it administers, it is confronted with two questions. First, always, is the question whether Congress had directly spoken to the precise question at issue. If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress. If, however, the court determines Congress has not directly addressed the precise question at issue, the court does not simply impose its own construction on the statute, as would be necessary in the absence of an administrative interpretation. Rather, if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.

Id. at 842-43 (emphasis added).

Mr. President, the committee report is inconsistent with U.S. constitutional law on the Senate's role in the treaty ratification process.

A. THE SOFAER DOCTRINE

The Committee report rejects the so-called Sofaer doctrine which articulates three criteria which must be met for the executive to be bound by the Senate's understanding of a treaty: the particular interpretation must have been; first, generally understood by the Senate; second, clearly intended by the Senate; and third, relied upon by the Senate.

Committee report at 90. These criteria, however, are based on principles set forth in section 314 of the "Restatement of the Foreign Relations Law of the United States and on well-established constitutional doctrine.

During the March 22, 1988, hearing on the INF Treaty before the Senate Foreign Relations Committee, Senator Nunn himself agreed with those three criteria when he quoted with approval the following sentence from a March 17 letter from the President's Counsel, Mr. Culvahouse, to Senator LUGAR:

"As a matter of domestic law, however, the President is bound by shared interpretations which were both authoritatively communicated to the Senate by the Executive

and clearly intended, generally understood, and relied upon by the Senate in its advice and consent to ratification.

Senator NUNN stated: "That sentence there I agree with completely." Hearings at 144. Senator NUNN again quoted this sentence and the following sentence from the Culvahouse letter, *id.* at 153, and stated: "Now, I think those two sentences are something we can build on here." *Id.* at 154.

B. EXPLICIT/IMPLICIT CONDITIONS

Mr. President, the Senate traditionally performs its constitutional function by expressing any particular views of a treaty in the form of explicit conditions.

The committee report discusses at length how the Senate reaches its understanding, both explicit and implicit, of a treaty's meaning. The report noted that explicit understandings "are manifest in formal conditions to the Senate's consent. These conditions include amendments to the text of a treat as well as amendments to the resolution of ratification, such as 'reservations,' 'understandings,' and the like." Report at 93.

"Implicit understandings" are much more complicated. The committee report noted that "implicit understandings represent Senate agreement with and acceptance of the executive's explanations of the treaty." *Id.* at 93. The committee report refers to testimony by Professor Henkin to help define this concept: "Where several executive statements are made and there is general acceptance of their tenor, that is the Senate understanding." *Id.* at 93. The report continued:

Clearly, in determining whether the Senate consented to the ratification of a treaty pursuant to an implicit understanding, a rule of reason must apply. Obviously, where the indicia of Senate intent or understanding (including unchallenged executive communications or explanations) are few or inconsistent, no implicit Senate intent can reasonably be said to exist. On the other hand, where the indicia of intent (again, including unchallenged executive communications or explanations) are several and largely consistent, an implicit intent can reasonably be concluded to exist.

Id. at 93-94. These statements are illustrative of repetitious ambiguity in the committee report; they also reflect that implicit understandings realistically have no meaning where there is "a factual claim of pervasive ambiguity"—see *id.* at 106.

Mr. President, the committee report seeks to elevate implicit understandings . . . to be equal in significance to explicit understandings. *Id.* Such a doctrine of implicit understandings is obviously tailored to buttress the narrow interpretation of the ABM Treaty. It acknowledges that there is no implicit understanding where the executive communications are few or inconsistent, *id.* at 94, and then refers to the ABM controversy as a factual claim of pervasive ambiguity. *Id.* at 106. As to the ABM Treaty, and treaty interpretation generally, such a

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doctrine of implicit understandings inevitably will raise complex—and probably insolvable—arguments about what is sufficient to imply an understanding. It is precisely for that reason that explicit understandings are formulated to remove such ambiguities and disagreements.

Had there been an explicit understanding of the scope of the ABM Treaty's application—narrow, or broad—this issue would not now be before us. This Senator and many others have illustrated the lack of an explicit understanding in the ABM Treaty record—the text of the treaty, committee proceedings and floor debate. The ABM Treaty debate would not be a part of the INF Treaty debate today had there been an explicit understanding on narrow versus broad application of the ABM Treaty.

III. THE ABM TREATY

Mr. President, debate on the ABM reinterpretation condition necessarily will implicate the complex facts of the ABM Treaty and its interpretation.

While its proponents maintain otherwise, the condition necessarily rekindles—and, realistically viewed, seeks to resolve—the substance of the ABM Treaty reinterpretation debate. This is so because the Constitution obviously binds the President with respect to interpretation of all treaties and the condition purports to state principles of constitutional law. Its intent, quite clearly, is to bind the President generally, including his interpretation of the ABM Treaty. This is obvious from reading chapter IX on the condition, which refers repeatedly to the ABM controversy.

Mr. President, Chapter IX of the Senate Foreign Relations Committee report on the INF Treaty clearly is an attempt to discredit the so-called Sofaer doctrine and influence the argument on the narrow versus broad interpretation of the ABM Treaty. Apart from these two purposes, the committee acknowledges that this condition is unnecessary. The report reads:

The committee notes that, in one respect, its action in including this condition in the INF Treaty's resolution of ratification was unnecessary insofar as principles which inherently apply to the INF Treaty would apply even in the absence of any Senate action affirming them. Given the circumstances, however, the committee judged that to fail to affirm such principles could suggest some degree of acquiescence in the Sofaer doctrine, which the committee views as an executive attempt to assert an unconstitutional arrogation of the treaty power. In this sense the committee views the Biden condition, paradoxically, as both unnecessary and highly significant.

Report at 97, emphasis added. The committee report repeatedly raises the interpretation issue, only to discuss at length what the interpretation is not. The extended discussion in chapter IX of the so-called Sofaer doctrine clearly reflects the committee's attempt to interject the ABM Treaty debate into the INF Treaty ratification debate.

The ABM reinterpretation condition clearly implicates the ABM controversy when the ultimate question was asked of Senator CRANSTON on May 18:

Mr. SPECTER. When the distinguished Senator from California says that there is no objection to the current interpretation of the INF Treaty, only as to issues of reinterpretation, the sole issue in the Senate today is the interpretation of the INF Treaty, why bring up the question of reinterpretation of treaties?

CONGRESSIONAL RECORD, May 18, 1988, at S6064. Had Senator CRANSTON replied that there is no reason to bring up the question of reinterpretation of treaties, the debate on this condition would be over. However, Senator CRANSTON's answer brought up ABM and the Sofaer doctrine and that is where the extensive debate necessarily leads if the condition is pursued.

Mr. President, the debate over interpretation of the ABM Treaty highlights the importance of treaty interpretation principles. The ratification record of the ABM Treaty contains only a few statements on the issue of narrow versus broad, and these statements are themselves inconsistent. This Senator suggests that if a full debate of the ABM Treaty is pursued in the context of the INF Treaty ratification process, the record will reveal the degree of ambiguity on the narrow versus broad issue, which thus requires deference to the executive branch's interpretation given established principles of international law and U.S. constitutional law.

The only issue before the Senate today, however, is the interpretation of the INF Treaty, as to which there is no real dispute.

IV. CONCLUSION

Mr. President, inclusion of the ABM reinterpretation condition in the INF Treaty's resolution of ratification threatens to embroil the Senate in a protracted debate over the constitutional treaty power and continues to threaten ultimate ratification of this historic agreement. The concern I expressed on this floor on May 18—that the condition would be a detrimental factor in the ratification of the INF Treaty—unfortunately and regrettably still may prove accurate.

Ratification of the INF Treaty prior to the President's departure for the Moscow summit is too important to the Nation to be ensnared in a turf battle between a few individuals in the Senate and a few in the executive branch. The Senate should reject the ABM reinterpretation condition in the INF Treaty's resolution of ratification, and should continue to follow established principles of international law and U.S. constitutional law regarding treaty interpretation.

I ask unanimous consent that a summary of the Biden condition be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

IMPLICATIONS OF THE BIDEN CONDITION

I. THE ABM REINTERPRETATION CONDITION FUNDAMENTALLY CHANGES INTERNATIONAL TREATY INTERPRETATION

A. By elevating the Senate's understanding of the agreements between the executive branch and the Senate, the ABM Reinterpretation Condition subordinates the agreements reached between the President and the Soviets. The condition thus subordinates the intention of the parties, as reflected by the agreements reached by the Executive Branch and the Soviet Union, to indicia of the Senate's intention.

1. Other nations may be reluctant to negotiate treaties with the United States because of the ABM Reinterpretation Condition. Nations like the Soviet Union may be far less willing to enter into treaties with the United States if we claim that such treaties will be interpreted in light of the intentions of the U.S. Senate. The United States certainly would object—vociferously—if another country asserted a similar condition.

2. The Senate is proposing a dramatic and one-sided change in international law by urging that international agreements should be interpreted without regard to the intent of the parties, whenever that intent conflicts with the intent of the United States Senate.

The Senate Foreign Relations Committee Report on the INF Treaty states that a treaty's negotiating record "need not have been examined for consistency and should not be deemed material to U.S. interpretation to the INF Treaty insofar as they are inconsistent with the Executive branch's formal presentation of the INF Treaty" to the Senate (page 101). The Committee Report notes that only the Senate's understanding matters, and does not mention the subsequent practices of the parties—thereby inferentially deeming them irrelevant as well.

To the contrary, the negotiating record and the subsequent practices of the parties have been extremely important in understanding what the parties to the INF Agreement intended when they negotiated the treaty. This reflects long-established principles of international law, which recently were restated by the U.S. Supreme Court in *Societe Nationale v. U.S. District Court for the Southern District of Iowa* (1987). The Court noted:

"In interpreting an international treaty, we are mindful that it is in the nature of a contract between nations," and that "[h]istory, the negotiations, and the practical construction adopted by the parties may be relevant."

The ABM Reinterpretation Condition, as described in the committee report, abrogates this principle.

II. THE ABM REINTERPRETATION CONDITION CHANGES/CONFUSES U.S. CONSTITUTIONAL LAW REGARDING THE SENATE'S ROLE IN THE TREATY RATIFICATION PROCESS

A. The committee report rejects the so-called Sofaer Doctrine which refers to three criteria which must be met for the Executive to be bound by the Senate's understanding of a treaty: "the particular interpretation must have been (1) 'generally understood' by the Senate, (2) 'clearly intended' by the Senate, and (3) 'relied upon' by the Senate" (P. 90). These criteria are based on principles set forth in the *Restatement of Foreign Relations Law of the United States* and constitutional doctrine.

During the Senate Foreign Relations Committee's March 22 hearing, Senator Nunn agreed with those three criteria when he quoted with approval the following sentence from a March 17 letter from the Presi-

dent's Counsel Mr. Culvahouse, to Senator Lugar: "As a matter of domestic law, however, the President is bound by shared interpretations which were both authoritatively communicated to the Senate by the Executive and clearly intended, generally understood, and relied upon by the Senate in its advice and consent to ratification." Said Senator Nunn: "that sentence there I agree with completely" (p. 144).

B. Traditionally, the Senate performs its constitutional function by expressing any particular views of a treaty in the form of explicit conditions. While there are several ways in which the Senate can make its intentions manifest, the explicit way is to include a formal condition in the resolution of ratification. The committee report seeks to elevate "implicit understandings . . . (to) be equal in significance to explicit understandings" (p. 93).

Such a doctrine of "implicit understandings" is obviously tailored to buttress the narrow interpretation of the ABM treaty. It acknowledges that there is no implicit understanding where the Executive communications are "few or inconsistent" (p. 94) and then refers to the ABM controversy as a "factual claim of pervasive ambiguity" (p. 106). As to ABM and treaty interpretation generally, a doctrine of "implicit understandings" would raise complex factual arguments on what is sufficient to imply an understanding. It is precisely for that reason that explicit understandings were formulated to remove such ambiguities and disagreements.

III. DEBATE ON THIS ISSUE NECESSARILY WILL IMPLICATE THE COMPLEX FACTS OF THE ABM TREATY AND ITS INTERPRETATION

While its proponents maintain otherwise, the Condition necessarily rekindles—and, realistically viewed, seeks to resolve—the substance of the ABM Treaty reinterpretation debate. This is so because the Constitution obviously binds the President with respect to interpretation of *all* treaties and the Condition purports to state principles of constitutional law. Its intent, quite clearly, is to bind the President generally, including his interpretation of the ABM Treaty. This is obvious from reading Chapter IX on the Condition which refers repeatedly to the ABM controversy.

The only issue before the Senate now is the interpretation of INF on which there is no real dispute. The ultimate question was asked of Senator Cranston last Wednesday (S 6064):

"Mr. SPECTER. When the distinguished Senator from California says that there is no objection to the current interpretation of the INF Treaty, only as to issues of reinterpretation, the sole issue in the Senate today is the interpretation of the INF Treaty, why bring up the question of reinterpretation of treaties?"

Had Senator Cranston replied that there is no reason to bring up the question of reinterpretation of treaties, the debate on this Condition would be over. However, Senator Cranston's answer brought up ABM and the Sofaer Doctrine and that is where the extensive debate leads if the Condition is pursued.

Mr. COHEN. Mr. President, will the minority leader yield?

Mr. DOLE. I yield.

Mr. COHEN. Will he tell the Senator what the prospects are for a Saturday session?

I find it ironic that we are breaking at 7 o'clock on Monday evening and then with the suggestion made there may be a Saturday session when many of us have commitments to address

commencement exercises and others. I would like to know now what the prospects are so I can start canceling my schedule. I find it ironic we are dancing out tonight at 7 when we could be here 5 or 6 hours debating these proposals, thereby allowing some of the Members to keep their commitments.

Mr. DOLE. I indicate to the Senator from Maine I do not know. That would be up to the majority leader. But if we were near completion—I think that is how it was stated last week, it looked like the end was in sight, either way—I mean one end being finished and one end no chance, there is no chance we would be in on Saturday. If there was a chance, I assume there is a possibility.

But I had hoped we could go on later this evening, but apparently that is not in the cards.

Mr. COHEN. I thank the Republican leader.

Mr. BYRD. Mr. President, I will answer the Senators' question.

I suppose it was directed toward me.

Mr. COHEN. It was directed for the minority leader. I would like to have anybody answer, especially the majority leader.

Mr. BYRD. There are a number of Senators engaged in raising money for the March of Dimes tonight, and this matter was scheduled prior to today.

I felt that we ought to proceed until about 7 o'clock today, have our conference tomorrow, and see where we go from there. We can stay in late tomorrow evening or other evenings this week, but I did not think that there was much to be gained by staying in late this evening. But perhaps the climate will change by tomorrow and I hope it will.

Mr. COHEN. I thank the majority leader.

Mr. BYRD. I thank the distinguished Senator.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business in legislative session, that Senators may speak therein not to exceed 5 minutes each, and that the period not extend beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A HERO TO BE REMEMBERED

Mr. BYRD. Mr. President, some have called the Korean war "the forgotten war."

That may be so in some places, but not in West Virginia, where so many Korean war veterans live, and particularly not in Summersville on Memorial Day, May 30.

On that day, Post 131 of the American Legion and Post 6100 of the Veterans of Foreign Wars, in a special ceremony, will enshrine the name of Cpl. Jack L. Walker on the Nicholas

County War Memorial Monument at the Nicholas County Courthouse.

Thirty-eight years ago, at the age of 17, Cpl. Jack Walker was killed during the battle of Chinju City in Korea. In that clash, more than half of the troops in the 24th Infantry Division of which Corporal Walker was a member, were reported killed. Three years later Corporal Walker was officially listed as missing in action, but his remains were not discovered until this past November during the relocation of a Chinju cemetery.

Corporal Walker was an unusually brave and determined soldier. He had enlisted in the Army in 1949 at the age of 15, and had served 9 months stateside before the military discovered that he was underage and gave him an honorable discharge.

Not to be deterred, Mr. Walker rejoined the Army a few months later, and was sent to Korea, where he was involved in early clashes with Communist forces.

Finally, however, Corporal Walker has returned to his home State, where he has been interred in Sunset Memorial Park in South Charleston, WV.

In the Memorial Day ceremony, surviving members of Corporal Walker's 24th Infantry Division will be present to escort the members of his family to the memorial service, and to place a wreath at the War Memorial in Corporal Walker's memory.

I commend all those responsible for organizing and participating in this thoughtful ceremony, and for demonstrating that they have not forgotten those who sacrificed and suffered through the Korean war. I likewise want to express my appreciation to all of the citizens of Summersville and Nicholas County for remembering one of their own sons, who gave his ultimate in the service of his country.

TRIBUTE TO CPL. JACK L. WALKER.

Mr. ROCKEFELLER. Mr. President, I rise in honor of a West Virginian who served his country as a U.S. serviceman. Cpl. Jack L. Walker courageously went to battle in Korea, but unfortunately lost his life there. Corporal Walker's body was only returned to the United States last year. This Memorial Day seems an appropriate time to pay tribute to a man who was a true patriot.

The veterans of our wars are a constant reminder that freedom was not given to this country. Americans, like Cpl. Jack Walker, fought for it, defended it, and have held on to it.

All West Virginians are justifiably proud of their tradition of service in America's military. We can never repay our debt to those men and women who have sacrificed so much.

I hope that all Americans take time this Memorial Day to pay tribute to these men and women who paid the supreme sacrifice in the defense of our

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CONGRESSIONAL RECORD — SENATE

May 19, 1988

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The PRESIDING OFFICER (Mr. SANFORD). Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar Order No. 9, which the clerk will report.

The assistant legislative clerk read as follows:

Treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The Senate resumed consideration of the treaty.

Mr. COHEN. Mr. President, I am a supporter of the ratification of the INF Treaty, but I would like to take at least a few moments to lay out a bit of recent history of the arms control process. Let me begin with when I first came to the Senate and joined the Senate Armed Services Committee. I recall many generals, members of the JCS, and others coming before the Armed Services Committee at that time, consistently talking about a so-called window of vulnerability, as exposure to a preemptive strike that would decimate our land-based forces, leaving us with ancient bombers to fly thousands of miles into the equivalent of an aerial mine field laced with thousands of radar and thousands of surface-to-air missile, and a diminishing fleet of submarines whose command and control and whose capabilities were inferior to that of land-based systems.

Now, this window of vulnerability gave birth not only to the strategic blues but to the concept of a mobile land-based missile called the MX. The concept of this mobile land-based system however, was controversial. President Jimmy Carter searched for a variety of homes for the MX. The one that I first became acquainted with was called the vertical MPS, multiple protective shelters. That was a system whereby we would play a sort of shell game, moving these large MX around from time to time among a large number of holes as if we were playing a shell game.

That was fairly controversial. However, the controversy increased when the Carter administration decided to change the vertical MPS, even though it was the most reliable and cost effective basing option, according to the Air Force, the administration found problems with the vertical MPS mode, because it might not comply with the SALT II Treaty provisions.

This was a classic case of designing our strategic systems to conform to a treaty, rather than the other way around. It was a mistake at that time. I felt it should be pointed out that it was a mistake. Nonetheless, they de-

cided that the vertical MPS was defective, in that it would not conform to some provisions of SALT II.

It eventually evolved, through, a series of changes into the so-called racetrack system, with a zipper roof. The roof would slide open to allow the overhead satellites of the Soviets to take pictures and know how many MX's we had in the field at a given time. The racetrack system seemed to be the one most viable at that time.

Then, in 1980, it ran into the so-called sagebrush rebellion, or a variation of it. People in the West decided that the system would take too much land, too much water, too much concrete, and they voiced rather strong opposition to it.

Ronald Reagan, who was then campaigning against President Carter, allowed, in my judgment, political considerations to override strategic necessities when he made a campaign promise to cancel the racetrack basing mode.

The MX has been homeless—some might argue hopeless—since that time. It is a system intended to enhance our security, that is itself without sanctuary, and it has been forced to move, like some unwelcome garbage barge, from conceptual place to place.

There are some scientific benefactors who suggested refuge for the MX in a crowded neighborhood, called dense pack, the theory being that multiple warheads fired by the Soviets into a crowded neighborhood of closely spaced MX's would commit fratricide before arriving on their targets. It was dubbed "dunce pack." It quickly died from a case of infectious ridicule and was given a rather ignoble burial.

The Reagan administration tried to dress the tattered MX up in new clothes and called it the Peacekeeper, but it remained unwelcome because it was too valuable and too vulnerable to stuff it in great numbers in fixed silos, and it was too big to move on anything but rails, an option foreclosed by President Reagan.

Then we had another commission, called the Scowcroft Commission. Senator RUDMAN and I and others played an instrumental role in urging its creation. The purpose of the Scowcroft Commission was to take a group of respected national leaders with vast experience in the field of our strategic requirement and to reach a consensus on what it would take to achieve our strategic needs, a strategic stability, coupled with a need to achieve reductions.

The Scowcroft Commission recommended that we deploy 100 MX's plus a new, small, highly mobile, single-warhead system called Midgetman.

There was an effort to use the Scowcroft Commission to build a consensus in Congress that could be sustained over a long period of time, a durable consensus that would help to build these systems to protect our national security interest.

About the same time the Scowcroft Commission was created, there was also a freeze movement spreading across this country and Western Europe. The freeze movement started in reaction to what I believe was the perceived position of the administration to be opposed to any arms control proposals whatsoever. It also was reacting with some justifiable alarm to notions of relying upon a so-called launch on warning strategy, launching our MX and other strategic missiles before the incoming warheads could arrive. It became known as prompt launch in some circles. It started to terrify a lot of people, and justifiably so.

The concept was that we would have to use it or lose it. That contradicted all prior doctrine that had been adopted by the preceding administrations, and, therefore, started to alarm a great many Americans who were well-meaning and justifiably concerned about what we were proposing to do to protect our land-based missiles.

I recall that Helen Caldicott, an Australian physician living in the United States, attended a function in Maine and labeled me one of the most dangerous men in America. She warned the people of Maine, particularly schoolchildren, that if I were reelected, all of them would be dead within a period of 10 years. Her message seemed to be, "Vote Democratic or Die."

Thankfully, such a motto was not embraced by Maine voters, New Hampshire has chosen not to put it on its license plates, and the Nation rejected her inflammatory pronouncements.

Mrs. Caldicott recently reappeared in California, where she compared Mikhail Gorbachev to Jesus Christ. I thought it rather innovative to compare Republican candidates for elective office to the Son of Sam and the leader of a Communist nation to the Son of God.

In any event, in conjunction with the freeze movement, Senator NUNN and I proposed a concept called build-down. It was an oxymoron of sorts, designed to simplify a complex notion that a way could be found to allow the modernization of our respective strategic forces while achieving substantial reductions. The Soviet Union and the United States could be allowed to deploy whatever systems each country saw fit in order to protect its own national security interests. It could even deploy MIRV systems, but only at a cost. A severe penalty would be imposed on the United States if we decided to go forward with MX or on the Soviet if they went forward with the follow-on to the SS-18 or the SS-19, or with the SS-24. There would be a 2-for-1 reduction for every RV on a MIRV'd ICBM the Soviets or the United States put into use—twice as many warheads would have to come out as were deployed.

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Mr. Masterton had to give up bridge, jogging, gardening and skiing because of his many duties. He continued to play tennis and golf over the years.

Mr. Masterton is survived by his wife, the former Nancy Nye, whom he married in 1953; his mother, of Pocasset, Mass.; one son, Peter, of Windham; one daughter, Laurie Tuchman of Scarsdale, N.Y.; and three grandchildren.

Funeral arrangements will be handled by Hobbs Funeral Home in South Portland. Arrangements were not complete this morning.

BOB MASTERTON

Mr. MITCHELL. Mr. President, I want to join my colleague from Maine, Senator COHEN, in expressing my own sense of loss at the tragic and untimely death of Bob Masterton.

Bob's life exemplified the finest qualities of our national character: Bob was a successful, innovative and energetic businessman. In two decades of work, he built the Maine Savings Bank's assets tenfold, making it the largest banking institution in the State of Maine. With that effort, he made possible the expansion of Maine businesses, the ownership of countless homes by Maine families and the vitality of many of our communities.

In business, Bob was forward-looking and unafraid to face changing circumstances and mold them. He led the way to reforming State banking laws at a time when the entire U.S. banking community was going through changes that many other banks found wrenching and even terminal.

Bob recognized that the business and governmental interaction which affects the banking community could be a fruitful way to modernize and upgrade Maine's banking laws and at the same time, make it possible for his bank and others to better serve the Maine community.

But the major contribution that Bob Masterton made was his active role in a range of civic activities that ran the gamut from the Portland Museum of Art to affordable housing programs and United Way fundraising. Bob served on more boards, commissions and Governor's committees than it is possible to list and his service was always active, committed and inspiring.

Bob was not only admired in Maine, he was widely loved, because he was a man who gave so much of himself to the people with whom he worked and the community he chose to make his home. He was never content to rest on his success in the business world, considerable as that was, but saw it as his duty to give generously of his time, his energy and his vision to the problems and potential that Maine communities and people face.

In the 1830's, Alexander de Tocqueville commented on the American tendency to form private groups to accomplish public goals. The voluntary activities of American citizens, outside the formal framework of government, have done as much to shape our Na-

tion's character and to preserve its ideals as any other factor.

Bob's life exemplified the finest of that unique American willingness to blend private and public responsibility. Bob never sought high public office, although there was no question in my mind he was more than qualified to do so, but he achieved more than many office holders could have done.

His wife and family have my deep sympathy for the untimely passing of a great Maine citizen. And I know the entire community of our State shares in the sense of loss that I have with the death of Bob Masterton.

HOW WOULD AMERICANS REACT?

Mr. HELMS. Mr. President, the Washington Times yesterday carried an interesting column by Phyllis Schlafly on May 18 which outlines one of the troublesome problems with the INF Treaty.

Mrs. Schlafly makes the point that United States troops remaining in Europe will be dangerously exposed once the Pershing II missiles are removed from Europe, as proposed by the INF Treaty.

Writes Mrs. Schlafly:

Twice in our lifetime, hundreds of thousands of American troops have been risked in a no-win ground war. After the Korean war, and again after the Vietnam war, our collective remorse cried, "Nevermore." How can our Nation, which bled so badly over the betrayal of the American servicemen sent to Vietnam, do it all over again?

Mr. President, Mrs. Schlafly is exactly right.

I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ONLY WAY TO AVOID A HOSTAGE CATASTROPHE

The subject of hostages taken by foreign terrorists has been in the news, off and on, a great deal of the time over the last 10 years. We've all agonized about their suffering, sympathized with their families, and debated what to do about the terrible dilemma.

But what if 625,000 American men, women and children were hostages, instead of several dozen? Or even 325,000? How would Americans react? What ransom might we pay for their release?

At the present time, 325,000 American troops are stationed in Western Europe, accompanied by their 300,000 dependents. So long as they are part of a credible deterrent against a Soviet invasion of Western Europe, stationing them there makes sense.

But if their most effective weapons are taken away from them, leaving them with only one-fifth as many weapons as a potential enemy, then we must ask, why are they there? Are they just a symbol? And, if so, of what? Are they a paper tiger to become the laughing stock of the world in the face of the 5-to-1 Soviet-bloc superiority in chemical and conventional weapons?

Worse still, will our 625,000 servicemen and their dependents become instant hostages under a Soviet ultimatum to surrender? Will they become cannon-fodder if the Russians attack Western Europe, confident

that Soviet tanks can sweep across the continent within a week?

Denuclearizing Western Europe, which the INF Treaty attempts to do by eliminating our Pershing IIs and the Soviets' SS-20s, means that the next European war will be fought with the same kinds of non-nuclear weapons we used in World War II, Korea and Vietnam. When it comes to competing with ground troops, tanks and artillery, the Soviet-Warsaw Pact forces are overwhelmingly superior to the U.S.-NATO forces.

Twice in our lifetime, hundreds of thousands of American troops have been risked in a no-win ground war. After the Korean War, and again after the Vietnam War, our collective remorse cried, "Nevermore." How can our nation, which bled so badly over the betrayal of the American servicemen sent to Vietnam, do it all over again?

But the proposed Intermediate Nuclear Force Treaty is setting us up to let it happen. The treaty eliminates our best weapons in Western Europe, the Pershing IIs, and leaves 625,000 American lives at risk some 4,000 miles away from home, facing off against decisively superior enemy forces.

Former NATO Commander Bernard Rogers has warned that the INF Treaty will make a Soviet attack on Western Europe more (not less) likely. That's because the specific weapons reduction required by the treaty will leave the Soviet Union with such massive superiority that the men in the Kremlin will know that the conquest of Western Europe is within their grasp.

But, say the treaty peddlers, why worry in the new era of "glasnost" and "perestroika"? Aren't the Russians friendly now?

Alas, according to Evan Galbraith, former U.S. Ambassador to France, just since Soviet General Secretary Mikhail Gorbachev took power, he has increased his conventional weapons forces (especially tanks and artillery) more than the entire military forces of West Germany and France combined!

If the U.S. Senate determines that "glasnost" with Mr. Gorbachev is such a high priority that it demands withdrawal from Western Europe of our most effective weapons, which were designed and installed for that particular theater, then the Congress should first evacuate American servicemen and their dependents.

All Americans in the U.S. Armed Services are entitled to the best available weapons and technology, and, if the U.S. Senate deprives them of that support, then we should bring them all home before we have a hostage disaster.

Before the U.S. Senate votes on the INF Treaty, it should reflect on how American public opinion reacted to the taking and holding of our hostages by Iran during 1980, to the deaths of our Marines who were recklessly made vulnerable to the car-bombing of our Beirut Embassy in 1983, to the 1985 hijacking of TWA flight 847 in Athens, and to every news story that involved American hostages over the last several years.

Then the senators should face up to the fact that the only way to avoid a hostage catastrophe is to evacuate our troops from Western Europe before the INF Treaty is ratified.

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The purpose was to allow each side to determine what was in its respective best interests, at the same time securing a method for substantially reducing the size of our forces.

President Reagan liked the concept very much. He called me, after reading an article that I had written. His administration did not like it. Nonetheless, it became part of our negotiating position with the Soviet Union. Unfortunately, the Soviet Union, after having walked out of the INF Treaty negotiations in 1983, decided that they did not want to talk about build down.

Nonetheless, it was important to consider that in the build-down concept there was a tradeoff: We could deploy mobile systems, hopefully the Midgetman type, and give the Soviets an incentive to do the same and that would lead to more stability, because as the systems became more mobile, they became less easy to target. Therefore, mobility lends itself to strategic stability. But there is a price to pay. Every time you become more mobile, you may become more stable, but it is harder for each side to verify where those systems are and how many there are.

I mention this because the build-down concept, embraced by President Reagan and rejected by his administration and the Soviets, was tossed into the Atlantic on the way over to Geneva. The Scowcroft Commission's recommendations also seem to have been dropped into the Atlantic, because we have a rejection by this administration of the Scowcroft recommendations—namely, that we move vigorously toward the production and deployment of a single warhead mobile missile.

The official position of the administration today is that we reject all land-based mobile systems. I think it is an unwise position; nonetheless, that is our official position.

I mention this by way of background to the debate on this treaty because it is important that we not overlook some very crucial issues before we appear, by the ratification of the INF Treaty, to give a green light to the administration to negotiate a more far-reaching treaty known as START, which would include a 50-percent reduction in our strategic forces.

We need to have a coherent concept of what kind of force structure we need and want and then negotiate a treaty—a verifiable treaty—to conform to those strategic objectives and not negotiate a treaty and then try to shape our forces to conform to its terms. So I think the administration should proceed very cautiously on the road to Moscow and not rush to secure a place in history at the expense of those who share a measure of responsibility to see to it that our history remains secure.

So I hope, Mr. President, that those who see the Senate moving toward the ratification of the INF Treaty do not simply see that as a 100-percent en-

dorsement to going forward and rush into an agreement with the Soviets on a START Treaty before we have had an opportunity to consider exactly what our strategic forces ought to look like, how we would structure those forces, and whether or not we have the capability, current and projected in the immediate future, to verify such a START proposal.

I would like to address just a few comments to the treaty itself. There are those who question whether it is in fact verifiable. I would say in my capacity as vice chairman of the Intelligence Committee, that Senator BOREN, who is the chairman, and I have worked long and hard dealing with the intelligence community. As a result of our hearings, we are satisfied that it is adequately verifiable, but by no means can we make the statement nor have we ever made the statement that it is absolutely verifiable.

Anything that has been crafted by the hand of man is not perfect. There are no perfectly crafted treaties. There are no treaties which can be absolutely verified. There is always a measure, a large degree in some instances, of doubt as to whether we could verify certain aspects of any treaty.

This involves a question of Soviet intent. It involves a question of Soviet ability, opportunity, all weighed against the risk of detection and what goals they would seek to achieve by cheating if they were to do so.

As far as intent goes, I think Winston Churchill said with respect to the Soviet Union, it is a riddle wrapped in a mystery in an enigma. I suspect it remains so today, notwithstanding the glasnost efforts of Mikhail Gorbachev.

So none of us can give any assurance concerning Soviet intentions.

Would they seek to cheat under the present circumstances? In other words, what would be the goal of their cheating on the INF Treaty under the present circumstances, weighed against the risk of detection?

It seems to me that overall the risk of detection is quite high and the goal to be achieved by cheating really is quite unnecessary. It is quite unnecessary because they have the ability to deploy SS-25's. They can continue to deploy as many SS-25's as is necessary to retarget all of those sites in Western Europe currently targeted by the SS-20's. So they have little incentive to cheat because they do not have to. That is one of the factors we take into account.

Nonetheless, by virtue of the fact that they do have an ability to produce SS-25's, there is almost a magnetic relationship between INF and START. By the very reasons that we say there is little incentive for the Soviets to cheat under INF, there would be more incentive to do so under a START regime. With a 50 percent reduction on the part of the Soviets, they have less ability to cover all of their targets on a global basis.

Therefore, the incentive to find a way to circumvent the restrictions imposed by such a START Treaty would be greater.

As the incentives are greater it also places additional burdens upon our ability to verify. The verification becomes much more difficult because while you have a 50-percent reduction you have 50 percent retention and an ability to develop and deploy even more.

So, Mr. President, let me say to my colleagues that we can make no iron-clad guarantees about the treaty. But I think on balance we find that it is in our own overall national security interest. It is of marginal significance from a military point of view. It is of marginal benefit to either the Soviet Union or to us, because it is a small fraction, it is a very small fraction of our respective inventories. I think the greatest consequence is in political terms, political terms for the Western Europeans.

I believe that my colleagues who are opposed to this treaty have some justifiable concerns that by removing the Pershing II missiles and the ground-launched cruise missiles, which the Western Europeans courageously agreed to deploy, we have thereby exposed the deficiencies of our conventional forces. That is true. We have thereby exposed our own conventional deficiencies, and so we have a choice. We can either rebuild our conventional capabilities, working as an Alliance, which I would hope we do, although the prospects are not great for securing budgetary increases dedicated to rebuilding our conventional forces. Or we can negotiate reductions.

I think that history is quite evident that it is hard to negotiate with the Soviets from a position of weakness. That was one of the reasons why the freeze movement, although well-meaning in its intent, springing from a heartfelt concern that we were not doing enough about arms control negotiations, nonetheless would have put us at a great disadvantage. It would have frozen us with old systems, old B-52's, old submarines, and very vulnerable land-based ICBM forces. It was necessary for us to go forward with the kinds of systems important to our security and let the Soviets know that we were indeed going to modernize. That is the way that one has to negotiate with the Soviet Union, and I suspect the same thing is going to be true at the conventional level.

The critics of the treaty are quite right that we now have to address the issue of conventional disparity. The answer is not to reject the treaty. By rejecting the treaty we would not enhance our position in Europe. I think that the public sentiment, the political sentiment in Europe is so deeply committed to the removal of these systems at this point that we would suffer a great political setback if we were to reject this treaty.

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So, measuring the political implications of the decision before us, I think it carries consequences either way. If we ratify it, it does then present us with another political dilemma. What will the NATO allies do about rebuilding our conventional forces? I hope that we will make that commitment to rebuild them. But in the event that we should choose to reject this treaty, I think the consequences are even more severe in that the missiles would not stay there and we would not have achieved the reductions the Soviets are now committed to.

Mr. President, I will have more to say about this later addressing myself to the more technical aspects of the treaty. However, I did want to try to place it in some historical context because I saw in this morning's paper that some of those who would like to see us move forward quickly with ratification, and I favor moving forward quickly with ratification, have also stated they want to give the President the moral authority to move forward to sign new agreements. Mr. President, there are agreements and there are agreements.

I think that we could certainly indicate that we would like to see the ratification of the Peaceful Nuclear Explosion Treaty. I think we would like to see the ratification of the Threshold Test Ban Treaty. I think that we should negotiate at least some of the foundation blocks for a new strategic arms reduction treaty.

But I do not in any way want to have my endorsement of the ratification of the INF Treaty seen as an unqualified green light to go ahead and sign a START Treaty before we resolve the issues of exactly what we do have in mind about our strategic forces, how do we intend for them to be structured, what is it we have in mind as far as the balance between land-based, air-based, sea-based systems, what is our proposal going to be in terms of having a small, highly mobile, single-warheaded system called the Midgetman?

I would note that if the administration is backing away from its commitment to the Midgetman, then I have serious doubts about the future of the MX. I do not favor a rail-garrison concept for the MX missile.

I think we have to resolve those kinds of issues before we move forward and negotiate a treaty and then put the Senate in a position, not this year but perhaps next year, of having to support a treaty which it finds may very well undermine rather than enhance the security interests of the country.

Mr. President, I would urge my colleagues to support this treaty with the cautionary remarks that I have made.

Mr. LUGAR. Mr. President, I take this occasion to congratulate the distinguished Senator from Maine on his comments. Likewise, simply to inform all Senators who may be listening or watching our debate to note that this

is a very appropriate time for opening statements. This is an important period of time in which we need to accomplish those introductory remarks that will enrich our debate and, likewise, any amendments to the text. As both the majority and minority leaders pointed out, we really do need to proceed with that action so we can move to the articles of ratification in which there are currently a number of amendments and a considerable amount of action.

I want to follow the remarks of my distinguished colleague from Maine by simply pointing out that we come to this particular debate because of decisions made to strengthen NATO in 1979, the beginning of the so-called two-track decision. It was a fateful time for Europe, for the United States, and for NATO. It was the year the Soviets, with the installation and deployment of SS-20 missiles, were prepared to intimidate our European allies and, some would even allege, try to bring about the breakup of NATO through that intimidation.

The distinguished Chancellor of the Federal Republic of Germany, Helmut Schmidt, in a speech in London suggested that we ought to negotiate on two tracks and simply stated that the two tracks were, one, to request the Soviets to withdraw the SS-20 missiles which, at least from our standpoint, did not appear to have any particular strategic significance for them but were meant simply to intimidate Europe and, second, if they did not do so at a time certain, which came to be the fall of 1983, that NATO would, in fact, install cruise missiles and Pershing II's in countries of our alliance and we would tend to build up those until we reached parity with the Soviet Union.

The Soviets, perhaps, as some would have claimed predictably did not respond and, as a matter of fact, through various friends in NATO nations, through numerous disruptions, demonstrations, and political actions, tried simply to break the spirit of NATO altogether.

Now, it is historically a very important fact of all our alliance now that NATO not only held together, but that Germany, Italy, Great Britain all cooperated fully in the installation of those aspects of our deterrent that were called for by the two-track decision. All of these were very difficult decisions.

The elections in Great Britain and in West Germany in 1983. Mrs. Thatcher and Helmut Schmidt, the victors in those situations, led a democratic underpinning to very tough decisions made by those countries.

Following that point, as the Soviets had pledged, they left the negotiating tables, plural. We were out of touch. Indeed, in our own domestic politics of 1984, a great deal was said about our inability to construct arms control negotiations, quite apart from agree-

ments, or even stay in touch with the Soviets.

After that election campaign had proceeded for quite a while, we all recall that the then Foreign Minister of the Soviet Union, Andrei Gromyko, came to the White House in October of 1984 and signaled the Soviets were prepared to come back to the negotiating table. They claimed not to take up the INF situation in particular or the strategic talks or anything else. But, under an umbrella arrangement that Mr. Gromyko and our Secretary of State, George Shultz, constructed in Geneva in January 1985, a so-called three-part conference was called—space, the START, and the INF situations being the three parts. The thought then was you could not have an agreement on one without agreements on the others and there was linkage that was very tangible.

I shall not relate all the permutations of the situation that occurred from then on, but suffice it to say that, in due course, the Soviets agreed to separate the INF situation from START and from space talks. The agreement that has been negotiated and that we are taking a look at today really comes from those decisions in which the United States held, really throughout, that these were separate situations. The Soviets, in due course, agreed, because, in my judgment, we remained firm.

I think it is important for Senators to recognize that at a very early point in all of this the President of the United States, in a meeting with the joint leadership of the Congress, heard the distinguished majority leader, Senator BYRD, request that the Senate, which would have final responsibility for ratification of the treaty, be on the takeoff as well as the landing of this situation. He encouraged the President to appoint an arms control observer group that, from the very beginning of the negotiations, might have an opportunity to monitor what our side was doing and, if it seemed appropriate, what the Soviets were doing, to have some historical continuity in this body.

The President readily agreed with that thought. As a matter of fact, at the initial breakfast which sent off our negotiators, under the chairmanship of Max Kampelman, the President made a very interesting comment that the treaty might not come within his term of office, might come within the term of another President, and therefore, as we embarked upon this thing, it was important that there be persons in our Government, U.S. Senators whose terms extend beyond that of our Presidents and, in some cases, their tenure in office extends for a long time, who would have institutional memory of what occurred.

In fact, the majority leader and minority leader appointed Senators, Democrats and Republicans alike, and they proceeded to Geneva in March of

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1985, with Senator BYRD and Senator DOLE both going to that initial meeting.

It was a fateful time in which the Soviet leader died and, in fact, the delegation attended some funeral recognition of the Soviet leader's passing. Mr. Gorbachev came on the scene and the talks commenced really without missing a beat. They were important to the Soviets. They were important to us.

Let me just simply say, Mr. President, having witnessed these negotiations since March of 1985, I am impressed with the diligence of our negotiators. I think they were brilliant in trying to think through the nuances of language. They noted in past treaties sometimes that the Russian language was ambiguous when translated into English and vice versa. Great thought was given to mistakes that might have been made in the past in the ambiguity of language. A great deal of thought was given to each of the so-called bracketed passages, passages in which there was disagreement and which the brackets were removed only when we came together with that meaning.

These talks proceeded between the Soviet and American negotiators, but also, as we now know, through three summit conferences involving the leaders of the U.S.S.R. and the United States and many meetings of our Secretary of State, George Shultz, and Mr. Shevardnadze, the Foreign Minister of the Soviet Union. In fact, that Foreign Minister-Secretary of State relationship has been a key factor in facilitating the ending of bracketed language, or more substantial agreements and breakthroughs when they were required.

So we come now to a treaty situation which I believe may be unique in the annals of the Senate. I suspect that there has not been a treaty in which so many Senators have been so involved over so long a period of time in examining the issues, having an opportunity to converse with our negotiators at each step and to understand the particular problems that they had, problems that they were trying to solve. Even uniquely, the opportunity for United States Senators to interview, to question, to converse with the Soviet negotiators and with many Soviet leaders who were not directly involved in the negotiations, to understand where they were coming from, the problems they saw, the technical objectives that they had.

It is for this reason, Mr. President, that I come to this particular moment with confidence that we have fashioned a good treaty for the security of the United States. I agree with my distinguished colleague from Maine that those who are requesting of us 100 percent verifiability are making an impossible request of any arms control treaty. I do not know what percentage ought to be assigned to that.

I am willing to grant that skeptics have a point in suggesting that there are aspects of this verification really beyond our knowing technically or in any other way. In this manner, we have proceeded in common sense to see if, in fact, there are defects in verification, we can assume that we pick them up at some stage along the trail without damage to our national security, because that is our objective in attempting to reach this agreement.

Much has been made of the fact that the NATO situation will have to be reevaluated. Indeed, every NATO leader knows this.

What is also true, as the chair knows, is that each NATO leader who came before the Foreign Relations Committee, or testimony of which we have knowledge, unanimously believes that this was an important step for Europe. And, indeed, the Senator from Maine is absolutely correct. We have had direct testimony from NATO leaders that we beguile ourselves if we believe that rejection of this treaty would somehow lead to the retention of Pershing II's in Germany, or cruise missiles in some other situations.

Europeans have decided that those weapons must go and, therefore, we have a predicament in terms of our NATO relationships which needs to be understood by all the Senators.

NATO has reached a judgment and a consensus. NATO leaders wait, sometimes with anxiety, as this body deliberates this treaty, to note how firmly, how astutely we will affirm what they have already found.

I would conclude these thoughts, Mr. President, simply by saying that each Senator has, to make a sober judgment as to what is in the best interests of our country as well as our alliance with others and the possibilities for our security and any movement toward peace. It is apparent, in my judgment, that we have taken limited steps. The remarks made by my colleague from Maine I think are very accurate to that effect. People seeing cosmic significance in this I think also will be disappointed, and skeptics already have said: How can you point to the importance of this treaty if NATO alone retains 4,000 nuclear warheads in the European sector? Is that not a multiple of all that we are removing?

And of course the answer is yes. We retain very great authority in the NATO area, from various delivery systems. So do the Soviets. We understand that.

But we also ought to understand that we are making a unique breakthrough—and history will have to show whether, in fact, it succeeded—to open up very substantially both of our countries to the inspection of each other. It has been a long-held American negotiating position that we ought to have onsite inspection, the ability of Americans and NATO allies in this case, to go into the Warsaw Pact countries, to go into the Soviet Union, to determine whether in fact provisions

of an arms control treaty were being met.

Past negotiators have testified, as the Chair knows, before the Foreign Relations Committee, that this was an unthought of goal just a few years ago. That to have achieved onsite inspection, this degree of intrusion into a closed society, would have been unthinkable. But it is thinkable, Mr. President. And it brings many new thoughts for us in the United States.

I think it is fair to say that when we finally came to this point of onsite inspection, there were many in the United States, in our Department of Defense, in our defense industries and some of our communities, who wondered what this will mean for us to have additional Soviet investigators in our country, in our plants, in our military installations that might be tied up in any way with the INF Treaty.

That is sobering. It is especially sobering as we think ahead to other arms control treaties. The strategic treaty now being negotiated would apparently call for a vast expansion of this intrusion into the Soviet Union at a time of glasnost, at a time in which there is ferment in that country; a veritable army of Americans coming in to take a look at arms control verification.

But likewise in the United States, very substantial numbers of Soviet military or intelligence personnel arriving at our country. We have had many debates, Mr. President, about the counterintelligence capabilities of our country in dealing with those persons who now come from the Soviet Union and who do not wish us well.

A great number may come and say we are here under the guise of peace and arms control. We wish everyone well. But, Mr. President, this will create great anxiety. We are on the threshold of that question and the INF brings it squarely in front of us. But in modest amounts.

We have an opportunity, Mr. President, literally to go to school on what it means to get involved in onsite inspection and how we go about, in a 3-year period, a very limited period, verifying the destruction of missiles.

Mr. President, I think these are important objectives that give us all opportunities to move forward. Therefore, I strongly support the ratification of this treaty, favorable action taken by the Senate. I hope that will come in a very short period of time and for that reason, Mr. President, I draw these remarks to a close in hopes that others in the sound of my voice will be stimulated to come to the floor to give opening statements either for or against the treaty, to offer amendments so that we are ready to proceed and take significant action today.

I thank the Chair.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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The bill clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I believe the Senate would be very unwise, indeed, to consent to ratification of the INF Treaty. It seems to be a little-known fact but a fact nonetheless that of the 38 witnesses called before the Senate Armed Services Committee, 30 testified that from a military point of view, from the national security point of view, the INF Treaty is disadvantageous to the United States and to our NATO allies.

Let me repeat that, of 38 witnesses called by the Armed Services Committee, 30 testified that this treaty is not in the national security interests of the United States or allies. That is a pretty impressive ratio, 30 out of 38.

I have to add the caveat that most of those went on to endorse the conventional wisdom that failure to ratify would cause political problems in Europe. I will deal with that conventional wisdom and that concern a bit later in my remarks.

But I want to stress that when they were asked to focus strictly on the military ramifications of this treaty, as opposed to the political ramifications or supposed political ramifications, 30 out of 38 of these experts on defense testified that this treaty was disadvantageous to the United States and to our allies.

That is pretty impressive. If there is one basis on which this treaty must be judged, if there is one criteria which is far more important than the others, certainly it ought to be national defense, certainly it ought to be the military ramifications of this treaty, should it be effectuated. Yet it seems to me in the debate there is far too little heard about the military effects of this treaty.

Thirty out of thirty-eight testified that this is not a good treaty from the standpoint of national security. For example, Gen. Bernard Rogers who retired just last year as Supreme Allied Commander in Europe, the commander of NATO, if you will, testified and made the case very plainly. He said, referring to NATO and referring to the treaty: "It would be stronger"—NATO, he means—"It would be stronger if it"—the treaty—"It would be stronger if it were not ratified."

He said: "NATO would be stronger without this treaty."

In other words, NATO will be weaker if we have this treaty; that is what General Rogers said.

He said further: "I spent 8 years as NATO commander, and this treaty is wrong. We should not have this treaty, in my opinion."

Eight years as Commander of NATO and, by all accounts, 8 years of exemplary service. Here is a man who is highly regarded by virtually everyone.

I do not know of one critic of Gen. Bernard Rogers. He was an outstanding NATO commander, and that is why he served for 8 years. He said this treaty is wrong and that we should not have this treaty, in his opinion.

I want to make clear, so that no one feels that I am misrepresenting General Rogers or any of the other witnesses, that General Rogers, like so many of the others, went on to say he felt we should ratify this treaty but for political reasons.

I will leave it to Senators to judge whether we should ratify this treaty based primarily on political considerations or whether we ought to ratify this treaty or not ratify this treaty based primarily on national security considerations. I opt for the latter. Politics be damned. I am concerned about national security, and I will address this conventional wisdom about the political dangers of failure to ratify in a few moments further on in my remarks. It is hogwash, in my opinion, but I will get to that in due time.

Mr. President, the Armed Services Committee believes this treaty can make "a modest but useful contribution to NATO's security." I do not know where the committee came up with that idea when 30 out of 38 witnesses said just the opposite, but that is what appears in the committee report and that is one of the reasons I voted against the committee report.

Nonetheless, the committee believes the treaty can make a modest but useful contribution. Is that a ringing endorsement? Does that convey enthusiasm? Hardly. It is hardly a ringing endorsement, and such hesitancy, such ambivalence, is hardly surprising given the fact that 30 out of 38 of our experts said this is a bad deal for us in terms of national security. That the committee can muster no more than faint praise in this day of treaty mania, it seems to me, bears looking into.

The treaty should not be ratified for these reasons, in my opinion:

First of all, the treaty exacerbates the dangers of the unbalancing in conventional forces. The treaty will exacerbate the dangers of the imbalance in conventional forces. No one will deny there is an imbalance. No one will deny that the Soviets and the Warsaw Pact forces have a large superiority, by most yardsticks, over the NATO forces. That is, in fact, why we have nuclear weapons, including these INF weapons, in Europe because without them, our troops would be annihilated. It is that simple.

So overpowering is the Soviet advantage in divisions, in tanks, in armor, in artillery, and in combat aircraft, including aircraft which are every bit as sophisticated as ours, that is why we have nuclear weapons in Europe. If we had evenly matched forces, we probably would not have any nuclear weapons in Europe, and we certainly would not have the INF Treaty destroy the Pershing II and ground-launched mis-

siles. They simply would not have been built and place an enormous cost, both in fiscal and political terms, were there not an overpowering need for them to save our troops from annihilation in the event the Soviets were to attack Europe.

We have these weapons there as force multipliers. A nice term we like to use around here. It is the equivalent of—what was the phrase in the Old West? The six-shooter. What was it called? The equalizer. Something like that. That is what these weapons are there for. Without them, we are going to be in very deep trouble.

Were I the parent of 1 of those 323,000 GI's—soldiers and sailors and airmen—stationed in Europe, I would be pretty upset with this treaty because it is going to take away the best of the force multiplier weapons we have, the best of the weapons that we have to save our troops from annihilation in the event of a Soviet attack. I am not the parent of one of those, nor am I the parent of 1 of the 310,000 spouses and children, dependents of our GI's in Europe who are stationed there with them. We have, what does that make, 633,000 GI's and dependents in Europe who are going to be in much greater danger if this treaty is ratified.

Remember, as I said last night in my remarks, our goal is to have a 30-day supply of ammunition. Do we have a 30-day supply of ammunition in Europe? No, siree. Do we have a 25-day supply? No, siree. Twenty? No, sir. How about 15? Do we have half even of what we are supposed to have? No. Ten days maybe? No, we do not have 10 days of ammunition and fuel in Europe.

Well, what do we have? Well, it is a secret. It is classified. But the unclassified way of expressing it is that we have less than a 7-day supply of ammunition and fuel in Europe.

If you were the parent of one of those GI's or dependents, 633,000 of them and you knew that we have less than 1 week supply of ammunition and fuel, would you be in favor of taking away these two missiles which are the most effective weapons we have for, first of all, deterring an attack and, second of all, disrupting an attack or blunting an attack, if one should come? I think the answer is pretty obvious.

If you are the parent of 1 of these 633,000 young Americans, I suspect you would be pretty upset about this proposal to take away the 2 weapons which are best suited to deal with this massive Soviet superiority, on the one hand, and this calamitous state of unpreparedness on NATO's part on the other.

This disparity, this asymmetry in conventional forces, which vastly favors the Soviets, is getting worse.

It is not getting better. If it had substantially improved, we might say, "Well, OK, let's take a chance; let's

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get rid of these two weapons best suited to deterring a Soviet attack and disrupting a Soviet attack if one should come." If things had gotten better, maybe we could say, "Yes, let's throw the dice; let's take a chance."

Have things gotten better? No. Worse, not substantially worse but somewhat worse in recent years despite our best efforts, so strong is this Soviet thrust to build up its forces. Even the committee in its optimism nonetheless notes that,

The INF Treaty, while succeeding in the removal of a number of nuclear weapons in the middle of NATO's deterrent spectrum, leaves a serious imbalance in conventional and theater nuclear forces on one side of this spectrum and a strategic balance that is in rough parity on the other side.

Even the INF Treaty leaves a serious imbalance in conventional forces. Well, of course it does. The INF Treaty does nothing whatever, does nothing whatever to address this imbalance in conventional forces, not a thing. And because it fails to do so, it exacerbates the effect of this imbalance. As for the remaining theater nuclear forces, they are not nearly as credible as a deterrent because they are not nearly as reliable, not nearly as accurate, not nearly as survivable, not nearly as lethal, and some of them not at all threatening to Soviet territory because they simply do not have the range. Compared with Pershing II and ground launched missiles, the other INF weapons on which we will be forced to rely are junk. They are junk. They are old and getting older, and they are not survivable most of them, and they are not a credible deterrent to the Soviet side.

We are going to get rid of the two most modern weapons, those which we implied in large measure to deal with this Soviet conventional asymmetry, superiority, which threatens our people, the security of NATO, and ultimately our own security here in the United States.

As I said a moment ago, the conventional imbalance has grown worse, not better. General Rogers had this to say about the conventional force imbalance:

Every year that passes, the gap between the force capabilities of NATO and those of the Warsaw Pact get wider—

Not narrower, wider—

To NATO's detriment. My major concern for the past decade has been that this gap might widen to the point where the military situation for NATO would get beyond restoration and the Soviets would accomplish their objective in Western Europe against the backdrop of massive conventional forces which can threaten to seize and hold territory to achieve the capability to intimidate, coerce, and eventually neutralize the West European nations without firing a shot. I also believe that the INF Treaty has the potential to accelerate the Soviets' achievement of that objective.

Well, General Rogers retired a year ago. Maybe things have changed. Maybe he is not quite up to date. I do not think so, but if you want the opinion of the current NATO Commander,

Gen. John Galvin, he said this in the same vein:

The conventional balance gap is becoming a somewhat more unfavorable balance to us over the last few years.

Let me repeat that because, as I have said, if things had gotten better, if this imbalance in conventional forces has ceased somewhat or eased significantly, maybe we ought to take a chance on this treaty, but both General Rogers and General Galvin, representing the last 9 years of the command of NATO, say that it has gotten worse. General Rogers is worried that the Soviets may be close to achieving their goal of intimidation and neutralization of Western Europe without firing a shot, and General Galvin has this to say:

The conventional balance gap is becoming a somewhat more unfavorable balance to us over the last few years. The reason for that is the Soviet Union has moved toward a higher technology level on a number of their production capabilities. I am talking about aircraft, communication, and other things.

General Galvin is saying not only do the Soviets have a substantial superiority in numbers of men in their divisions and tanks and armor and artillery, in combat aircraft, he is saying they are also making great strides, as we know, in the quality of these weapons such that in many cases they are every bit as good as ours and in some cases better. They have this reactive armor on their tanks now which renders useless, I am told—I better be careful how I phrase this because we are getting close to classified material here, but it is fair to say that this reactive armor neutralizes much of the weaponry on which we now depend to blunt an armored attack.

General Vuono, Chief of Staff of the Army, stated that—

While we have made great improvements in our conventional capabilities, the trend in the conventional balance in comparison with the Soviet Union for army ground forces has become worse since 1967.

Mr. President, no witness more dramatically underscored the precarious state of NATO's conventional forces than Adm. William Crowe, Jr., Chairman of the Joint Chiefs of Staff, when he testified that NATO has not met its minimum goal of a 7-day supply of fuel and ammunition.

I mentioned that a moment ago. In fact, the goal is for 30 days, but that goal has been so far beyond our capability for so long that somehow this new ex officio goal of 7 days has become the standard, and we have even less than a 7-day supply of fuel and ammunition. What happens after a week? If the Soviets were to attack Europe on this day, which is what, May 19, by May 26 our 325,000 American GI's are out of critical ammunition and fuel. What happens next? Surrender? Annihilation? No, neither of those two. We go to nuclear weapons. That is why we have them there, except that we have to go to them

much sooner than if we had adequately attended to sustainability and preparedness. We ought to have and our official goal is a 30-day supply. What do we have? Not even a week. Not even a week.

Mr. President, this treaty ought not be ratified because it exacerbates the dangerous asymmetry in conventional power which favors the Soviets and which increasingly favors the Soviets according to the very best testimony we have.

But instead of urging defeat of the treaty for exacerbating the dangers arising from conventional force imbalances, the Armed Services Committee skirted the issue by calling for an expansion of NATO's conventional forces and a modernization of its theater nuclear weapons. That is a very funny joke except when I think of those 323,000 American GI's and 310,000 dependents, somehow I cannot muster a laugh. But it is a joke because there is not one Senator here or one defense leader who believes we are going to increase our conventional forces or modernize our theater nuclear weapons.

Why? Because we have neither the money nor the political will to do either. So the committee brushes aside this dangerous Soviet superiority in conventional forces and suggests that we can deal with it later by expanding our conventional forces and modernizing our theater nuclear weapons. It is not going to happen, and no one thinks it will.

Ironically, by falsely proclaiming the success of the INF talks, we have persuaded Western public opinion that, in fact, lower defense expenditures can be expected, not higher.

The fact is that in the post-INF period, we and our NATO partners will face even more resistance than we face today. American defense budgets in real inflation dollars have declined 4 years in a row. I think it is down to around 6 percent, and it used to be 10 percent in President Kennedy's term. We and our NATO partners will face even more resistance to defense spending after this treaty.

(Mr. SHELBY assumed the chair.)

Mr. HUMPHREY. Mr. President, the likelihood of defense increases necessitated by the treaty is very low. As the Chairman of the Joint Chiefs of Staff, Admiral Crowe, noted, the United States will need to spend more money to correct weaknesses in conventional forces in NATO. But he said, "I also believe we are not going to do that."

He is a realist. He has been around the Defense Establishment and he has been around Congress long enough to be able to read the political signs. He knows there is not going to be an increase in defense spending on NATO, on the part of the United States or by any of the NATO countries. He says this treaty means that we will have to spend more on conventional forces,

but he knows that is not going to happen, and he is right.

So was former Secretary of Defense Harold Brown, when asked in the committee about the probability of increases in NATO defense spending: "I would assess the probability as low." Indeed, it is very low.

He said, further:

If U.S. defense budgets continue to drop by a couple percent a year, as they have, the Europeans will have lots of excuses and significant justification for not increasing theirs at all.

That is reason No. 1. The treaty will exacerbate the calamitous disparity and asymmetry in Europe which favors the Soviet Union and which increasingly favors the Soviet Union.

Reason No. 2 for not ratifying this treaty: Again, it is a military reason. I will leave the politics to later, because I think it is mostly hogwash.

The treaty will heighten the risk of general nuclear war. Does anybody care about that? I get the impression that not many do. But I believe this is demonstrable, that it will heighten the danger of general nuclear war. Indeed, the committee acknowledges that the elimination of Pershing II and ground-launched missiles will leave a gap in NATO's flexible response. As General Rogers put it:

And what does NATO give up in this treaty? The very weapons system the Soviets fear the most, the Pershing II, which keeps high the credibility of NATO's deterrence.

So, by ratifying this treaty, we will open a gap in this doctrine of flexible response, and we will open a large gap in the arsenal of flexible response. That gap in the arsenal of flexible response will increase the possibility that war in Europe would leapfrog from conventional warfare very quickly around that gap in flexible response, around that gap in theater weapons, to strategic weapons.

That is not an observation original to this Senator. It is not an observation original to those who might be called conservative in their political outlook, as I am.

Former Secretary of State Henry Kissinger, no enemy of arms control so far as I know, testified:

The INF Treaty and the pressures it generates against the remaining nuclear systems places the predominant burden of nuclear defense on weapons based in the United States or at sea.

What is he saying? He is saying that we are going to have to go very quickly from conventional war to strategic war, leapfrogging over intermediate-range weapons. He said that the INF agreement places the predominant burden—not just some of the burden or a little of the burden, but the predominant burden—on nuclear defense, on weapons based in the United States or at sea.

What does that mean? It means that we are going to start firing systems from the United States as soon as our troops in Europe are threatened with

annihilation. It means that when the Soviets see those missiles rising off the Continental United States, they will say: "That is it. It's an all-out attack. Let them all go."

The use of strategic weapons for theater defense is insane. It invites all-out nuclear war. It was to avoid such an eventuality that we designed and built and emplaced, at great cost, these INF weapons, the best of which we are about to eliminate, leaving only the old junk, which has a very low credibility and therefore a very low deterrent effect.

Tragically, one of the remedies proposed by the proponents—indeed, they had no alternative but to propose it—one of the remedies proposed to treat the problems created by the INF Treaty is to rely more heavily on strategic weapons, such as submarine-launched missiles, and to rely on them for theater use. If there is a more dangerous or a more provocative use of strategic weapons, I cannot imagine what it is.

General Galvin testified with respect to the problems of using strategic weapons in place of theater weapons:

In initial use, it would be very awkward to consider a strategic weapon for use as a theater weapon. The advantage of a theater weapon, if it ever came to use in war, is that it very clearly shows that it is a theater decision, not simply a United States decision.

In other words, he is saying that the Soviets are likely to respond to the use of theater weapons in kind. They are likely to respond, indeed. How could they not respond in kind with strategic weapons, in the face of strategic weapons launched against them from the United States and from submarines at sea? How could they respond otherwise?

If you are the Soviet command structure and you see ICBM's rising in numbers off the continental United States, you cannot say, "Well, they are just firing those because of this conflict in Europe." You cannot take that chance. You have to respond in kind.

This is nutty. I have heard a lot of insanity in 10 years in this town, but this pushes the bounds of insanity way out beyond where they were before.

The increased reliance on strategic weapons forced by this treaty has to be its worst feature.

So, reason No. 1 for refusing to consent to ratification is that this treaty will exacerbate the dangerous conventional force imbalance in Europe which is growing ever more disadvantageous to us.

Reason No. 2 is that by opening a gap in the doctrine and the arsenal of flexible response we make more likely the leapfrogging of warfare in Europe from the conventional force level, to the strategic, to an all-out exchange of nuclear weapons.

Reason No. 3 to defeat this treaty is that it fails to reduce the nuclear threat against our allies.

If we are going to buy these first two situations, if we are willing to exacerbate the asymmetries in conventional forces and we are willing to increase the likelihood of general nuclear warfare, you would think we would at least get the diminution of an increased nuclear threat against our allies. Does that happen? No, not in the slightest, because to compensate for the vehicles which the Soviets must destroy under this treaty, Moscow will target other nuclear delivery vehicles equally swift, equally accurate, equally lethal against NATO.

That is not an observation original to this Senator or to the conservatives who are in the majority who seem to predominate in opposition to this treaty. Defense Secretary Carlucci pointed it out himself. He said "It is certainly realistic"—not possible—he said "certainly realistic to anticipate that the Soviets might retarget some of their SS-25 missiles."

And there are other options the Soviets have for retargeting weapons not covered by this treaty against our allies. Indeed, the Soviets, as is known, have already redeployed from our Atlantic Coast to European waters *Yankee*-class submarines covering SS-N-6 missiles which are now retargeted against NATO.

So the process has already begun. Anticipating the destruction of the vehicles which she is required to destroy, the Soviet Union is already retargeting other weapons not covered by this treaty against the very same targets in Western Europe.

General Rogers stated it this way: "For NATO, the name of the game is to deter. What the Soviets are eliminating comprises only about 3 percent of their stockpile"—3 percent—"3 percent of their nuclear warheads. Nearly all of the remaining 97 percent can be retargeted onto those same installations in NATO's rear area, thereby keeping the risk high and on the backs of the Western European people."

So that is reason No. 3.

Just to review: Reason No. 1, the treaty exacerbates the conventional force imbalance which is growing worse.

Reason No. 2, it makes more likely general nuclear war because it eliminates a significant part of the doctrine and the arsenal of flexible response which makes it more likely that war will leapfrog to a general nuclear exchange.

And reason No. 3 is it does not even reduce the intimidation against our allies. They are already being retargeted by other warheads equally lethal, equally intimidating, such that there is no net change nor will there be in that respect.

Against this damning testimony about the military implications, the national security implications of this treaty, nonetheless the committee chose to recommend to the Senate

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that the Senate give its consent to ratification.

However, in my opinion, had the committee stuck to its business and stuck to its charter and based its recommendations on the testimony relative to the military effects of the treaty, I believe that members would have had to recommend against ratification. But that is not what happened.

Instead, the committee departed from its charter and focused on the purported political ramifications in Europe were the treaty to fail of ratification.

The committee then recommends ratification not on the basis of military benefits and indeed in the face of the military disadvantages which arise out of this treaty, but instead based its recommendation on the conventional wisdom that refusal to ratify this treaty would cause political problems in Europe.

In other words, the committee is recommending form over substance.

That is not terribly reassuring when it comes to national security—form over substance. We see that all the time, I must admit, perhaps a majority of the time in dealing with domestic issues. PR and "feel-good" politics is all too common around here.

I would hope that we would have a higher standard at least in the area of national security, and if not for ourselves but what about for the 323,000 young people and their 310,000 dependents, children, whom we are placing at greater risk if we ratify this treaty?

There are plenty of grounds to challenge this conventional wisdom, Mr. President. We have heard all of this nonsense before. It is like an echo. It is amazing, is it not, the way history repeats? I suppose that is because human nature does not change. It just does not change. The players change. The props change. But the drama is always the same because human nature does not change.

We have heard all of this before. Back when SALT II was under consideration we heard the very same kind of poppycock, and let us remember SALT II was not ratified. Let us remember that at the outset while we discuss this. But in the consideration of the treaty when ratification was under debate, we heard the same kind of "the sky is falling" suggestions and predictions that we are hearing today.

They say today if we do not ratify this treaty even though it stinks from a military point of view, even though every, not every—that is an exaggeration—but 30 of 38 defense experts testified that from a military point of view it is disadvantageous to us and to NATO—we are still hearing this baloney about the importance of political considerations, and it is baloney. We have heard it before.

In SALT II the witnesses at that time told us the same thing, not us—maybe some of us were here—I was not—but told the Senate the same

thing. It was the same story, the same song.

The Secretary of State—Cyrus Vance was at that time Secretary of State—told the Foreign Relations Committee that the rejection of the SALT II Treaty would have a potentially debilitating effect on the alliance. He said, "It would be a terribly severe blow to NATO and members of the alliance should this treaty fail of ratification. They have made this clear in statements through the heads of most of the governments of the NATO countries."

You could have played that same line over in the Armed Services Committee a month ago and indeed virtually the same line was heard. If we do not ratify this treaty, the political ramifications will destroy NATO.

We heard it then. Was it true? No. The treaty was not ratified. Did NATO self-destruct? No. It remains stronger. It is stronger than it was but, relative to the Soviet Union, weaker because the Soviets have pushed ahead so far and so fast despite Mr. Gorbachev's smiles. NATO is stronger, not strong enough, precariously weak relative to the Soviet Union and weaker than it was in Secretary Vance's time in office, but NATO was stronger, it did not self-destruct. He was wrong. That prediction was nonsense.

The Secretary of State said, "If we do not ratify SALT II the sky will fall, the world will come to an end." He said, "It would be a terribly severe blow to NATO"—terribly severe.

It was not. It was not severe. It was not even serious.

The Secretary of Defense, Harold Brown, told the Foreign Relations Committee when SALT II was pending, "The Europeans do believe that if SALT fails approval it greatly increases the probability of an all-out arms race between the United States and the Soviet Union." "They"—meaning the Europeans—"certainly would examine various alternatives to the alliance—their own nuclear capability, a separate alliance, neutrality. I am sure all of those would be raised as possibilities."

Well, those are pretty serious warnings, Mr. President, those warnings which Secretary of Defense Harold Brown laid before the Senate Foreign Relations Committee back when SALT II was pending. The same song we are hearing today. He was suggesting that if SALT II were not ratified, that the NATO countries would develop their own separate nuclear capability. Have they done that? No. France and England have, of course, but that predates the SALT II controversy. They are still reliant upon the American nuclear umbrella, except under this treaty they are going to be reliant upon strategic weapons much more than upon remaining theater weapons, which are mostly junk.

Secretary of Defense Brown suggested the political ramifications of the

NATO countries were so severe the NATO nations might develop their own nuclear forces. Maybe. Or maybe set up some kind of new alliances, he suggested, or, worst of all, neutrality.

Have these things happened? No. That was a lot of hot air. He was wrong.

Despite all of the conventional wisdom and the doomsaying in high places, NATO not only survived in good order and grew stronger, but, obviously, successfully deterred attack over the years since then and now.

Mr. President, it is an understatement to say that the concept of arms reduction is politically popular and it is an understatement to say that the concept is as politically popular in Europe as it is in the United States. In fact, it is more popular. In fact, there seems to be a strong current of pacifism running throughout Europe.

As former Defense Secretary James Schlesinger testified just recently, more than 50 percent of the people in Germany favor unilateral disarmament. Well, that might be so, but it does not mean that we should coddle pacifism. It does not mean we should reflexively endorse the politics of feeling good at the expense of our national security and that of NATO and at personal peril to our 323,000 GI's in Europe who have less than a 7-day supply of ammunition and fuel.

Now, I know all about the plans to resupply Europe with aircraft and sea-lifts. That is a disaster, too. I intend to address that in a separate speech.

So let no one take any comfort in that, because that is just as bad a situation, in terms of shortfall, nearly as bad as the shortfall in ammunition in Europe.

The net of this treaty is this: The United States will have to destroy, NATO will have to destroy the two types of missiles best suited to partially offset the substantial Soviet advantage in conventional forces, weapons which are best suited to deter in the first place a Soviet attack on Europe—Pershing II's and ground-launched cruise missiles. We will, therefore, be forced to rely on less suitable weapons, such as cruise missiles air-launched from considerable distances and weapons launched from penetrating aircraft, however, many of those survive the vast and sophisticated Soviet system of air defense.

By the way, those very same aircraft on which we will be increasingly dependent, those penetrating aircraft, are intended for theater roles, are intended for combat support. We do not have enough of them to begin with and a lot of them are going to be destroyed because they are not adequately protected in Europe. Whatever are left will have two jobs: combat support and longer range theater responsibilities, weaving their way, if possible, through Soviet air defense to deliver weapons that would have been delivered far more swiftly and ac-

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curately and reliably and dependably and lethally by these modern weapons which we are required to destroy.

We will be forced to rely on less suitable weapons, such as cruise missiles air launched from considerable distances, weapons launched from penetrating aircraft, provocative weapons, launched from strategic platforms and on new battlefield missiles if—and that is a very big if—the allies can agree to produce them and deploy them, which is highly unlikely.

Indeed, the opposite is true. They want to get rid of them all now, and you can hardly blame them. Because if we do not have weapons that credibly deter the Soviets by threatening Soviet soil itself, then you can hardly blame the Europeans, the Western Europeans, for not wishing the war to be conducted solely upon their territory while Soviet territory remains safe.

So we are going to be forced to destroy two types of missiles best suited to Soviet conventional forces' superiority. We are going to have to rely on less suitable and more provocative weapons and all the while our NATO allies remain just as fully targeted and intimidated by nuclear weapons in the future as they are now. Different ones, yes, different weapons, to be sure, but just as deadly and just as intimidating.

There are a number of other serious problems which implementation of the treaty will create which are written off as matters that can be addressed within the START negotiations. In other words, we do not know how to deal with these problems now. Let us just put them off. Maybe in some future talks we could figure out how to deal with them.

If the INF Treaty has faults, they should be addressed now during the treaty debate. Hoping the faults will be corrected sometime in the future in negotiations which might or might not succeed is simply an irresponsible approach to safeguarding national security. If anything, such buck-passing suggests that the strategic reductions and the conventional arms reductions should have come first. And, of course, logic dictates, in particular, that conventional arms reductions should have come first because it is the asymmetry in conventional arms which derives the necessity of having force multiplier weapons.

If we have in place these missiles and these theater nuclear weapons in Europe to deal with the conventional force asymmetries, then we should deal with the conventional force asymmetries before we deal with the theater nuclear forces. That is perfectly logical, is it not?

There are other serious problems. For example, is the question of what defines a missile covered by this treaty? During the hearings, Senators expressed the concern that the Soviets, without violating the treaty, could deploy a new type missile to replace the SS-20. If a missile were tested for the first time at a range in excess of

5,500 kilometers, even if every subsequent test were at INF ranges, that missile would not be covered by the treaty. In other words, if the Soviets wanted to play games—and I cannot be too optimistic that they will resist the temptation—they can design some new INF missiles, lighten them up so that on the first test they will exceed 5,500 kilometers and therefore they are not classed as INF weapons when, indeed, they are designed to be, and then load them up with sophistication and maybe some kind of armoring, heavier warheads, and use them as INF weapons, even though they would not be covered by this treaty. There is a big loophole in this treaty that will permit them to do that.

The Armed Services Committee failed to resolve this dilemma. Given the Soviet penchant for exploiting ambiguities and loopholes, the treaty not only asks for trouble, it begs for it.

There are other important concerns. As the committee report itself notes, late in the INF negotiations the U.S. reversed its position and agreed to ban conventionally-armed ground-launched cruise missiles—conventionally-armed GLCM's of INF range.

Our negotiators now dismiss the need for GLCM's in Europe but the fact is that NATO was on the verge of establishing a need for such weapons when the United States did an about face. In a closed hearing the committee learned that the Supreme Allied Commander of Europe was in fact on the verge of announcing a need for GLCM's. The committee was told that the position of the Supreme Allied Commander in Europe was overridden by the Joint Chiefs of Staff. Ambassador Jeane Kirkpatrick is likewise concerned about the loss of the GLCM option, saying: "But I tell you, that is my greatest concern, concerning weapons on the treaty."

And Dr. Schlesinger used the same phraseology, he said: "The ban on conventionally-armed ground-launched cruise missiles is my gravest reservation about this INF Treaty."

Well, grave reservations are certainly in order, Mr. President, because the treaty throws away the most valuable and the most promising nonnuclear weapon we have to deal with the Soviet superiority in conventional weapons in Europe.

Mr. President, arms reduction is certainly a worthy goal but in this case we have put the cart before the horse. We deployed nuclear weapons in Europe to offset the massive Soviet superiority in conventional forces. There are nuclear weapons in Europe which no longer make sense and they ought to be removed. But before we remove those very weapons that are the most effective weapons to today's threat, the most effective, the best, the most well suited, designed for this purpose—first the Soviet conventional superiority must be eliminated or at least significantly reduced. It would have made more sense to secure an agree-

ment to reduce the imbalance in conventional forces before dealing with nuclear weapons deployed to offset that imbalance.

Ambassador Kirkpatrick agrees. Responding to the chairman's question about whether the current sequence is not proper, she said, "I wholeheartedly agree with that position, Senator NUNN."

She meant that she was agreeing that it would be wiser to have dealt with the problem first and the symptoms later, so to speak.

If we implement the INF Treaty first we will have thrown away the leverage to secure reductions in conventional forces and these reductions will have to be very heavily asymmetrical in our favor, if they are to truly reduce the potential for conflict in Europe.

As Dr. Harold Brown noted, "the Rand study says conventional arms reductions would have to be unequal and rather deep, and they would have to be made in the key firepower elements, tanks and artillery."

Mr. President, the INF Treaty is a fraud. It is a fraud. It is a dangerous fraud.

The treaty will not reduce the dangers of Soviet superiority in conventional forces. It will exacerbate those dangers. Conventional balance is growing worse and the treaty will eliminate the very best weapons for dealing with that danger. Further, by eliminating Pershing II and ground-launched missiles, we are throwing away the best bargaining chips we have to deal with the root cause of tensions in Europe, the substantial Soviet superiority in conventional weapons.

The INF Treaty will not reduce the threat of nuclear war in Europe. It will heighten it, by creating a dangerous gap in the arsenal of flexible response such that escalation is likely to leapfrog to strategic weapons. And neither will the treaty relieve our allies from the intimidation of being targeted by the Soviet missiles, because Moscow is already, even in advance of ratification, is already targeting NATO with other nuclear weapons equally deadly and equally intimidating.

Mr. President, I will have more to say on this treaty. I hope that the Senate will not rush in an unseemly fashion to conclude debate. There is much that needs to be said.

Senators need to have an adequate opportunity; should not be rushed. Of all matters before the Senate this year, let us not be rushed in this matter.

This political, public-relations deadlines in Moscow be damned. Let us serve national defense first, and politics later.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I come to the floor of the Senate today to

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participate in one of the most important and solemn responsibilities entrusted to us by the Constitution of the United States. Our advice and consent powers with respect to Presidential treaties with foreign nations is always of the very highest importance. It is especially significant when the subject of the treaty involves the awesome destructive power of nuclear weapons.

Mr. President, the intermediate Nuclear Force treaty between the United States and the Soviet Union deserves our most careful attention. As a member of the Senate Armed Services Committee, I have studied as best I can the potential effect the treaty would have on our NATO defenses.

I commend the chairman of the Armed Services Committee, Senator NUNN, and all the members of that committee for the fine job they performed in deliberating and reporting their findings in this field to the Senate.

I commend and thank all members of our committee on Foreign Relations for their usual accurate, diligent and effective review of all treaties referred to them. The consequences are great, and we need the frank opinion of those of our Membership who have been with the problem, for years. And that is just what our committee membership as now composed provides.

Their fine representation and splendid efforts are appreciated by those of us who have a chance to know their work. I want to express that appreciation now for my part, and I know I can speak for the rest of our membership as well.

Mr. President, I have been here a good number of years, and have seen a tremendous change. I am trying to make some calculations for memorandums later, as to the change that I have witnessed here as a Member of this body since soon after World War II.

We have learned a great deal. We have overlooked some things. I find that I depend on some of the men from the Office of the Secretary of State, regardless of what administration is in power. I have listened closely to the men that have carried the responsibility day and night as President of the United States. They have had to deal with what was then an unknown problem. We did not know much about nuclear weapons and the capacity to undermine and deceive our adversaries. This is one of the important things, one of the difficult things that has happened since the end of World War II. And the men and women who have served in the Senate can attest to the fact that we have not had a perfect record with respect to the control of nuclear weapons.

Our specialized committees have done an amazing job and we have benefited from that. We do not have a clear, certain future ahead as I view it. The situation is hard to interpret. It is

hard to say what answer we have, if any, to this difficult problem.

We all know that we are dealing with adversaries and potential adversaries who are people of uncertainty. We are dealing with potential harm.

This is a problem. It is a problem that haunts all of us. But, I think we have made some progress.

As chairman of the Senate Appropriations Committee and its Defense Subcommittee, I have supported measures to strengthen our national defense. In that position, I have had a growing feeling of new knowledge, strength, and capacity. I am proud that I can say that and have that spirit.

I have also reviewed the findings of the Senate Committees on Foreign Relations and Intelligence. I commend the Senators involved in preparing the reports, and the time and effort they have expended. I want to commend and thank the numerous staff members over the years who have worked hard, day and night, at what seemed at times to be a fruitless venture into learning more about the problem.

I commend the members of the administrations who have struggled with the problem of nuclear weapons, regardless of their titles or party membership. We have had some splendid men in this field, and we now have Mr. Shultz, who I think brings some of the finest knowledge I have ever seen in a human mind to this problem in an attempt to find an answer.

I am glad to commend him and thank him for what he has done and continues to do.

I will not recount the provisions of the INF Treaty. That has been done ably here on this floor over and over by other Members. They have already discussed in detail the fine print of that agreement. I simply wish to make a few general remarks regarding my views of the INF Treaty.

Mr. President, I have never been one to rush to consent in agreements with the Soviet Union. I have always maintained a healthy skepticism of the regime in power in Moscow and its willingness to abide by international conventions and treaties. That skepticism is not based on whim, Mr. President. It is based on many years of my personal observations as a Member of the Senate of post-World War II Soviet conduct.

Let me hurriedly say, I do not condemn the Soviet Union totally for what they have done or said or failed to do. We have problem that are very similar to theirs, and we cannot solve one without at the same time considering and perhaps solving the other. This will not work by chance. No plan in this field of weaponry will work by chance.

Far too often, the United States has entered into agreements with the Soviet Union only to receive allegations that those agreements have been violated. My point, Mr. President, is that the agreements with the Soviet

government must be subject to verification by on-site inspections.

I am not here trying to condemn any country. That is not the way to find solutions to problems, and I do not come here just to condemn.

In my opinion, the problem with past agreements with the Soviet Union is that we had insufficient ability to verify compliance. The unique strength of the INF Treaty lies in its rigorous regimen of verification. Through a series of on-site inspection and monitoring rights, the United States will have the ability to determine Soviet compliance.

I have carefully studied the concerns expressed by the chairmen of the Foreign Relations, Armed Services, and Intelligence Committees regarding technical problems with several verification provisions in the treaty. It is my understanding that the recent negotiations between the United States and the Soviet Union have clarified these technical verification issues and have satisfied the concerns expressed by many Members of the Senate.

I believe that there is a chance for us to have a more stable relationship with the Soviet Union in the field of nuclear weaponry than in those unhappy, uncertain years before.

Mr. President, the threat of nuclear destruction hangs over our lives and the lives of our children. I do not mean to say that something is going to happen tomorrow morning before breakfast. I am not trying to create a scare. I am not trying to just make noise. But, I feel that we must make every effort to reduce the likelihood of a nuclear holocaust.

I believe the Intermediate Nuclear Force Missile Treaty between the United States and the Soviet Union is a small, but vitally important, first step in this long and difficult process.

That is why, Mr. President, I am prompted to come here and make this short statement. I am not an expert in this field. In fact, I need much more knowledge. But I feel that it is my duty to share what opinions I have. I am happy there is more hope in the future in the area of nuclear arms than there has been for the many years that I have been here.

I am encouraged by the progress that is being made in this field, and I urge the Senate to ratify the INF Treaty.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, I want to thank the President pro tempore of the Senate, my good friend, for his remarks and for coming over here and speaking as he did. I wish success for all of his ideas.

Mr. STENNIS. Mr. President, I thank the chairman very much and, again, thank him for the work he has done over the years and the leadership offered by him now as chairman of the highly important Committee on Foreign Relations. I believe he is achieving results.

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Mr. President, I yield the floor.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, as the Senate begins debate on the INF Treaty between the United States and the Soviet Union, it is appropriate to observe, as has the senior Senator from Mississippi, the performance of the Senate to date on this very important responsibility.

When I came to the floor, I did not realize that I would have the privilege of following the Senator from Mississippi. It is far more credible coming from him to praise the Senate for its role to date, because he has been, through the many years of his long, distinguished service, a participant in more than one such debate.

What I think he has made clear and discussed in eloquence is that the process that has been employed on the consideration of the INF Treaty is one that does deserve praise. It is, in my study of prior efforts and my observation of what has been done by the three committees having primary jurisdiction here—the Foreign Relations Committee, Armed Services Committee, and Intelligence Committee—far and away the most thorough and comprehensive consideration that has been given to any treaty in the history of the United States.

So I thank my friend from Mississippi for confirming my judgment and for giving the testimony that a great deal of credit is due to the members of those committees.

In particular, Mr. President, I would like to echo his praise for the chairman of the Armed Services Committee, my chairman, the senior Senator from Georgia, Mr. NUNN, for the extraordinary effort he has made in arranging and presiding over the truly extensive and thorough review of this agreement by the Senate Armed Services Committee. He has patiently and persistently delved into details of what is a very complex agreement. He has done so with constructive purpose. He has spent great amounts of his own time relentlessly pursuing the true facts and the true meaning of what we all hope can be a historic accord. He has obviously done so with a most constructive attitude. So he has my commendation and my thanks.

Mr. President, this is a treaty which clearly has evoked strongly opposing views. A moment ago my friend from New Hampshire, Mr. HUMPHREY, took the floor to give a lengthy and a very thoughtful analysis, and whether one agrees or disagrees with the points he raised, he voiced legitimate concerns, concerns which deserve response and which in the fullness of the debate I am sure will receive that response. He has voiced the criticism of the treaty that it has, in the words of some, made Europe safe for conventional warfare. He specifically addressed the conventional imbalance between NATO and the Warsaw Pact. He has expressed

the concern that this treaty will leave the members of NATO in a position where we are more vulnerable to conventional attack than with the present nuclear deterrent provided by the Pershing II and the ground launched cruise missiles which would be removed under the INF agreement as our part of the bargain as the Soviets eliminate SS-20's and other members of this class of intermediate nuclear force weapons.

Mr. President, it is true that we will lose some military advantage. It is also true that we have sought the elimination of the SS-20's and that in order to achieve it we offered to eliminate our corresponding weapons.

It is certainly arguable whether or not this treaty is militarily significant because it is true, that the Soviets can retarget those same European targets with longer range weapons.

It is also true, as the Joint Chiefs have responded to the concerns of a brilliant soldier, General Rogers, that we will not as a result of this treaty have a denuclearized Europe. There will remain in place other weapons that provide a nuclear deterrent. We will have the Lance; we will have the dual-capable aircraft having the capability to deliver a nuclear response in the event that a conventional attack were launched by the Warsaw Pact. But it is clearly true that we are giving up a significant weapon in the Pershing II.

This agreement represents a political victory for a point of view which the West has long espoused, which is that we are willing to engage in responsible arms reduction. It is perhaps more important symbolically than it is in real terms. It is more a political initiative than a military one in terms of whatever advantages may accrue to the West. And as we have heard there are many who hold the view that it is not advantageous to us.

What it represents is the effort, the successful effort, buy the President of the United States and the NATO allies to press a strategy which has produced a climate which without question was absolutely essential for the negotiation of this treaty. There would be no treaty, Mr. President, had the President of the United States yielded to the importuning of those who counseled them to take a very different course, and indeed only 5 years ago many self-appointed arms control experts ridiculed the zero-zero option offered by the President of the United States as being unrealistic, and indeed many charged that it was a ploy. They charged the President of the United States, in fact, with a thinly veiled stonewalling of what they termed serious arms control negotiation.

Well, in fact and in time it is clear that the deployment of the ground launched cruise missiles and the Pershing II's on European soil by our NATO allies was essential in order to achieve the climate which produced this treaty. Whatever you may think

of this treaty, it is obvious there would have been no elimination of the SS-20's by the Soviet Union had there not been present the threat of this counterforce, this nuclear deterrent capability of striking Soviet targets, indeed, on Soviet soil.

Ms. MIKULSKI assumed the chair.

Mr. WILSON. So I think what we have, Madam President, is a situation in which General Rogers and many other critics would say from a purely military point of view we have given up that capacity to deter aggression on the part of the Warsaw Pact because we have given up the ability with certain of our weapons within our arsenal to reach out and strike Soviet targets on their homeland, and we have done that for what they consider to be inadequate advantage politically. They are quite right in pointing out the historic ambivalence of our European allies. They at one and the same time have wanted the United States to be more forthcoming on the subject of arms control and at the same time have been very much concerned that they not be allowed to stand naked without an American nuclear umbrella of some kind.

Only time will tell whether this is in fact the wise agreement which we all hope it to be. Only time will tell whether or not it has advanced the cause of arms control, far more serious arms control than that which is under consideration in the INF Treaty, the kind of arms control, Madam President, that is contemplated in the follow-on talks leading to strategic arms reduction.

But what is clear is that our NATO allies have urged the signing and the ratification of this treaty by the United States. What is true is that it will require then a response which they have not yet apparently been prepared to make. Critics of this treaty are correct in pointing that there is a very limited conventional capability on the part of NATO to withstand a Warsaw Pact conventional attack.

They are right to point that out, because what this treaty does is to require of the NATO allies that they mature in terms of the seriousness of their commitment to resist a conventional attack by the Soviet Union and its Warsaw Pact allies. They must do much more than they have been prepared to do.

They are right to be concerned about young American troops stationed on European soil as part of our commitment to the NATO alliance.

They are right to challenge the NATO allies as to the seriousness of purpose with which they will defend themselves. They are right to ask them that, because they are right to be concerned about whether or not those American troops stationed on European soil will be fighting against overwhelming odds because our European allies are not sufficiently serious

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of purpose to mount the conventional efforts necessary to equalize those odds until one would hope we can at one point enter an agreement that will reduce the terrific conventional imbalance that now exists.

I agree with those who say that it would be far better had we entered into an agreement to reduce conventional weapons and done away with the lopsided Warsaw Pact advantage that exists, prior to entering into an agreement of this kind relating to the nuclear deterrent by which we have sought to provide an equalizer to that Warsaw Pact strength. But the facts are what they are.

Madam President, at this point, I would like to take those facts and to look at this agreement, to look at many of the issues that were raised in the course of the consideration by the committees of jurisdiction, because it is essential that before we vote to ratify this treaty, we understand how our own participation in the process was essential. It is important that we do so not, simply to engage in an exercise in self-congratulation, but to make clear the need for the kind of role that has been performed, as we contemplate any future arms control agreement and, specifically, as we contemplate the far more important possibility of actual strategic arms control reduction; because this, in comparison to the proposed strategic arms control agreement, is a very modest achievement. We are dealing with 4 percent of the entire inventory of nuclear warheads.

Having said that, to be fair I have to point out that there is an important symbolic significance, and it goes beyond mere symbolism in the achievement of the INF Treaty. This is a treaty that provides for the first ever onsite verification in the history of arms control. The verification procedures which it describes are the most intrusive, the most comprehensive in the history of arms control.

Having said that, I will also say that it must not be considered an adequate precedent for the START talks, because in fact it is not adequate to that purpose. This treaty is also significant because it is, for the first time in the history of arms control agreements, a successful effort to eliminate entirely offensive weapons and not simply manage the escalation in a growing inventory of nuclear weapons.

This treaty actually eliminates an entire class of offensive nuclear weapons. That is a principle that deserves attention and applause, and I think it should become a hallmark of any future arms control agreement. One which simply purports to manage the escalation is not good enough, any more than a freeze was not good enough.

Had President Reagan listened to those who counseled that we engage in a freeze, we would not have before us today a treaty that will bring us actual reduction in offensive weapons.

It is for that reason, again, that he deserves high praise for his firmness, his perseverance, in pressing for that strategy, without which we would not have produced the climate, without which there would have been no hope of negotiating this treaty.

Now let us focus on the work done by the various Senate committees involved in the review of the INF Treaty. I think that work merits high praise for the thoroughness, for the bipartisan nature of the review.

As the distinguished Senator from Mississippi has reason to know, having participated in other such efforts, the work of these committees was exemplary, and it pointed up a number of issues that deserve our attention here on the floor of the Senate.

The Senate Armed Services Committee included in its report that the treaty includes the elimination of conventional ground-launched cruise missiles and that their inclusion may very well not have been in our national interests. That is a conclusion with which I quite agree. I wish it had not been made a part of the bargain.

Furthermore, it is the recommendation, the very strong recommendation, of the Senate Armed Services Committee that the administration not foreclose U.S. options to preserve conventional air-launched cruise missiles and sea-launched cruise missiles in a subsequent agreement having to do with strategic arms.

I would go much further than the recommendation. I would say that it is imperative that we not give up the capability that presently we enjoy of having conventionally armed air-launched cruise missiles and sea-launched cruise missiles when it comes time to negotiate a strategic arms reduction treaty.

Second, the problem of so-called futures, having to do with the ground-launched cruise missiles of intermediate range, is also a problem of great significance. It is clear that this issue was not covered effectively in the treaty itself, nor was there satisfactory clarification of it by resort to the negotiating record. It has required, in effect, subsequent clarification, if not renegotiation.

The diplomatic note that Secretary Shultz brought back from Geneva, signed by the Soviets, does much to resolve the issue. Nonetheless, to ensure that there is the kind of coordination, the kind of consistency and compatibility between domestic and international legal obligations that is essential in the consideration of any treaty, it is necessary that that understanding be further acted upon as a category 3 amendment to the resolution of ratification, that being one that would require the concurrence of the Soviet Union. It is important for the future, as well as for this agreement, that we assure compatibility between domestic and international legal obligations, a principle which one would hope is now firmly embedded in the thinking of

the Senate. But that may not be the case as we conclude the deliberations on the Biden amendment. We will have reason to revisit that issue. What is most important as it related to the so-called futures issue as was made abundantly clear in the record of the Senate Armed Services Committee hearings is that the INF treatment of the so-called futures issue be understood to apply only to the INF Treaty and that it not be viewed as precedent with respect to START nor have some retrospective application.

Third, the Intelligence Committee concluded that while the United States will be able to adequately monitor the INF Treaty, it can do so only by stressing our intelligence collection assets. For that reason, I fully support the efforts by the Intelligence Committee in conjunction with the Armed Services Committee to obtain additional funds for new collection capabilities to improve our ability to monitor the INF Treaty. Such intelligence improvements are absolutely essential to ensure that we have adequate assets to monitor Soviet military developments in the START environment as well, and again that is of infinitely greater importance than the treaty immediately before us.

Fourth, since onsite provisions for a START agreement will have to be far more comprehensive and will inevitably be far more complex, we should proceed with caution before signing any treaty on limiting strategic arms until we determine how the INF onsite provisions are in fact working or failing to work. Even now, we are engaged with the Soviets in serious follow-on talks regarding inspection rights and obligations. These are the so-called nine monitoring problems about which the public has been reading in the newspapers. We have entered a new monitoring era and we need to assure ourselves that we are going to proceed with the greatest caution and gain experience that is required before we take the next step when that next step is one of such infinitely greater importance.

Fifth, there is much work to be done on ensuring compliance with this treaty, already there are disturbing and ominous reports of suspect Soviet cruise missile tests that may well be a violation of the INF Treaty. The treaty is not yet in effect. The question arises what are they doing; will they continue it? The Senate Armed Services Committee report calls for the development and deployment of safeguard defenses by NATO to counter any Soviet cheating and thereby to reduce the incentives for the Soviets to cheat. I would urge my colleagues to join us in endorsing a commitment to safeguard defenses. Furthermore, I and several of my colleagues will offer a compliance amendment to the resolution of ratification that will set in place certain procedures within the United States Gov-

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ernment to respond promptly and with congressional support to any Soviet violations of this accord. It does little good and indeed great damage to enter into an agreement without having made provision for what our response will be if there is violation of this accord.

Sixth, and finally, I would urge my colleagues most emphatically to join me in opposition to the so-called Biden amendment that is proposed to this treaty regarding the Senate's role in defining and determining the meaning of the INF Treaty. Though it will be argued by its proponents to be an effort to protect and enhance Senate prerogatives, this provision would in fact prove to be an unwise and dangerous effort to constrain Senate consideration of the best evidence available to clarify meaning of treaty text ambiguities of the kind that we have found in the ABM Treaty and in this treaty and which in any complex negotiations are a virtual certainty to occur. Had the Biden amendment been in effect during our careful examination of this very treaty, the Senate would have been prevented from either identifying, analyzing or ultimately solving the problem of future technologies.

It would have simply been there an ambiguity, unresolved, ready to be exploited by the Soviets. That is not the way that we should proceed, Madam President.

In short, I recommend that the Senate approve the INF Treaty subject to a needed, and nonthreatening amendment on the future's issue.

In supporting the treaty, however, I want to emphasize that my support is directly related to the maintenance of a strong and modernized nuclear deterrent and to the hope that our NATO allies will respond, as in fact they must, that they will embrace with a new enthusiasm and a new commitment the requirement that they be far more apparently ready and far more ready in act for a conventional engagement than in fact is presently the case.

So it must be understood that at least among some who will vote for this treaty there is insistence that there be maintained a strong modernized nuclear deterrent and new safeguard defenses for NATO and for the United States.

For us to continue our partnership for this alliance to remain strong for there to be real hope that this treaty can advance peace, those are absolute sine qua nons.

Furthermore, I wish to forcefully state that it is my opinion that no further reductions in theater nuclear forces can be sought or entertained unless and until talks proceed in achieving a reduced balanced conventional force deployment in Europe. That should have occurred before the INF Treaty. If we are to eliminate any other theater weapons, there must first occur the kind of confidence builder that can come only from the

elimination of the tremendous imbalance that does exist and it does threaten Western Europe.

These are not just reasonable conditions. They are what reason dictates as essential conditions for a climate that will present us with the opportunity to say that when this INF Treaty is ratified we have achieved more than simply an agreement. It is necessary if that agreement is to signify that there will be in fact a better climate for peace and if, we are in fact serious about proceeding to the next step, to a START agreement, it is essential that before we do so the Soviets understand very clearly that the Senate of the United States will in the future exercise the same role that we have with regard to the INF Treaty, a role that the Senate has not exercised in every instance in the past, most notably not in the case of the Antiballistic Missile Treaty.

It is essential that we make clear that while we are for peace, we are for a realistic peace, one that offers the genuine promise of lasting. We are not for agreement simply for the sake of agreement's sake in an election year. This is simply too important.

Madam President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I regret very much indeed that I see no more speakers willing to offer their remarks or amendments. For that reason, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, for 40 years the study Foundation for Peace and Security in Europe has been NATO's evolving policy of nuclear deterrence. When NATO was created, this policy sought to extend United States' strategic nuclear power with its protective shield to the European theater. As Soviet strategic capability eventually matched and in the case of some weapons surpassed ours, new requirements emerged. In response to this change, the 1970's ushered in NATO's "flexible response" and the restoration of the credibility of the threat of nuclear retaliation. With the deployment of medium and short-range missiles in Europe and the United States' strategic nuclear umbrella, NATO was in a strong position to discourage Soviet nuclear or conventional attack. As nuclear deterrence has evolved, one fact has remained crystal clear: it works; the Soviets and the Warsaw Pact have been kept at bay and peace has been preserved for 40 years.

We must keep in mind that nuclear deterrence has not been a static policy—it has been dynamic. And with the signing of the INF Treaty on December 8, this policy reached a new milestone.

When the Senate Foreign Relations Committee began its hearings on the INF agreement, I raised several issues which I thought should be addressed before I reached a final decision regarding my support of the treaty. I would like to review both the questions and the responses which I consider full and satisfactory.

At the outset, my principle interest was how the treaty would build on a record of relative success: Could the treaty build upon the accomplishments of the past 40 years?

I believe Secretary Shultz addressed this concern when he testified that each of the criteria we established as imperative to the sustenance of United States and allied security interests was included in the treaty's terms. He noted that the treaty protected each of the following interests: First, equality of rights and limits; second, limits on Soviet and United States systems only; third, global limits so there is no transfer of threat from Europe to Asia or vice versa; fourth, no impact on NATO's conventional defenses; and fifth, an effective verification.

A number of other witnesses added to and expanded upon this theme that NATO security interests and the military underpinnings of deterrence are preserved by the treaty. For example, Secretary Carlucci said:

Deterrence is based not only on NATO's military capability, but also on its collective political will. The INF experience demonstrated to the Soviets that our nations have the political resolve to make—and stand by—the tough decisions necessary to ensure our security.

Obviously, Madam President, time will be the best judge of the treaty's success in building upon a record of peace in Europe and between the United States and the Soviet Union. However, a majority of the experts and witnesses who appeared before the Senate Foreign Relations Committee expressed confidence that the treaty bolstered United States and NATO security and political interests. I believe this consensus of opinion is just cause for optimism about the future of deterrence and prospects for nuclear stability and peace.

I should note, my optimism is tempered by the tough issues which lie ahead for the alliance as a whole. Many of my colleagues and some of the witnesses expressed concerns that I share regarding the balance of conventional forces as well as modernization requirements. There has been and will continue to be an urgent need to reach agreement on a stable balance of forces in Europe, to modernize remaining battlefield and theater nuclear forces, and to redress some NATO's serious military deficit.

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However, these issues are challenges, and should not be viewed as obstacles standing in the way of treaty ratification. I believe that the constructive experience of consultation and decision-making that has characterized the INF process, can be carried forward to meet these challenges. Congress can clearly plan a role in assuring the accomplishment of this agenda through the defense authorization process and legislation which supports these requirements.

In addition to questions about the treaty's impact on European security and the strength of the alliance, as our hearings got underway, I expressed concern that a number of specific details in the agreement were not fully understood or required further clarification by our negotiators. In January, I said if the foundation of the treaty was weak, and details not clear, the prospects for successful implementation, monitoring, and compliance would understandably be called into doubt. At the time, the most pressing issue was the reliability of the data exchanged between the two parties. Subsequently, other questions needing resolution emerged, including whether the agreement banned futuristic weapons and the scope of our inspection rights.

Fortunately, the hearing process and careful consultation between the administration and congressional leadership produced a list of nine mutual concerns that could be brought to the United States-Soviet negotiating forum for resolution. In his report this week to a joint meeting of the Senate Foreign Relations, Armed Services, and Intelligence Committees, Secretary Shultz said: "We have resolved all nine issues to our satisfaction." Without this assurance that the Soviets understood their obligations under the treaty, I doubt any Member of the Senate would have been able to support this treaty. With that assurance, we can have a greater degree of confidence that our interests are secure.

Madam President, this treaty makes an important contribution to United States and NATO interests. The unprecedented onsite inspection terms combined with the fact that the Soviets are eliminating far more missiles than the United States, clearly enhance our political security and military strength.

U.S. Ambassador Richard Burt recently noted in an article in the Washington Quarterly:

Strength is a necessary component of U.S. national security policy but not a sufficient one. Strength must be married to strategy. U.S. decisionmakers must have both a clear understanding of U.S. priorities and an overall plan for achieving them.

I believe the INF Agreement is an example of the successful marriage of strength and strategy. Eight years ago, difficult decisions were made by NATO nations to deploy intermediate range nuclear weapons in Europe. United States and allied nations were

resolute in their determination to strengthen their military posture relative to recent Soviet SS-20 deployments, simultaneous with an attempt to negotiate meaningful reductions in the overall numbers of intermediate range weapons.

This strategy, known as the "dual track decision," was based on a view that if SS-20 deployments were left unmatched, the Soviets might believe they could intimidate Europe or, more importantly, Moscow might miscalculate the risks and consequences of aggression.

The combination of military strength and resolute, effective implementation of strategy has yielded the first reduction in the numbers of United States and Soviet nuclear weapons, rather than a limitation on growth. It is an historical, important milestone.

I began my comments by asking whether the treaty could build on the 40 years of peace we have enjoyed in Europe. Let me conclude by noting after months of hearings, countless witnesses, and volumes of questions, testimony and answers, I have reached the conclusion that the treaty terms and reductions are key achievements which fortify our strategy of nuclear deterrence and preserve our military strength.

Madam President, I fully intend to support the treaty and hope that all Senators will as well.

Madam President, I yield the floor.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, as I read the tea leaves and listen to the statements and comments of people both on this floor and to the press, it appears to me that the Senate of the United States is set to suspend judgment. With the INF Treaty before it, it is the patience of those who wish to get it behind them that is being tried, rather than the merits of this treaty.

The day before yesterday, the Senate undertook the awesome responsibility of debating the INF Treaty on the floor. In the opinion of this Senator, this responsibility transcends the political process. It is rooted closely in the foundation of our Government of over 200 years ago. Senators would do well to read the passages from the Federalist Nos. 62 and 63 that describe the purpose and constitution of the Senate and why it alone was chosen as the legislative check on the executive's authority to make treaties.

In this context, I wish to associate myself with the remarks of our majority leader, Senator Byrd, that the Senate was not conceived to be an "efficient" organization. The rules and procedures of the Senate, while improvable, should never allow for this body to entertain law and treaties so swiftly that the minority is given short shrift and the majority power by fiat. The virtue of the Senate, should be

found in its deliberateness. Were this untrue, what would distinguish us from the executive branch? Indeed, it is when the Congress in general and the Senate in particular seeks to emulate or usurp the prerogatives of the executive that we do the most harm to our own prerogative and to the interests of our Nation.

My purpose here is to let Senators know that we should not be playing, "beat the clock" in our deliberations over this treaty. I suspect there are a few Senators who feel as I do. We have important matters to consider over the next days. We cannot, though some leaders tell us we ought to feel rushed by the artificial deadline of next week's summit. Whether or not we provide our advice and consent to this treaty—and I have no doubt we eventually will, it should be beside the point to meet a deadline. If the improvement in relations between the United States and the Soviet Union is so delicate and so temporal that it cannot stand a week or two wait in the ratification of a treaty that goes in perpetuity, then it is obviously illusory. It should be the treaty that concerns us—not the new relationship. New relationships have risen, and have fallen inexorably. This treaty purports to control us in perpetuity.

Fifty-two times since the end of World War II have leaders in the West seen a new horizon in our relationship with the Soviet Union. Of all 52 new relationships and new horizons, none have been viewed as being for the worse. It tells one something about a wholly utopian view of the forces that surround ourselves in a world in which we did not ask to be confronted by a nation bent on expanding its empire.

No, Madam President, the treaty is the issue before us, not the new relationship. As I said, this treaty purports to control us in perpetuity.

More important for the Senate, Madam President, our constitutional duties are limited to providing advice and consent to this treaty. That means that this is our last shot. What we decide over the next days and weeks will become the supreme law of the land: It stands in front of our constitution we have no future power to execute or interpret it.

And despite the plans for amendments, we will not have such power given us.

And if history is a judge, we will be timid to change or repeal it, for unlike domestic law, such actions require the consent of the other party.

When we see the Soviet Union violate this one, as they have violated every single treaty that has been in the past, the actions of this Senate will most likely, if history repeats itself, be to constrain further the behavior of the United States and not to confront the behavior of the Soviet Union.

If Senators have concerns about the terms or consequences of this treaty,

now is the time to voice them, not 15 years down the road. If we are to avoid the silly embarrassment of the ABM Treaty debate of last year, we must do our job in the Senate now and do it thoroughly and do it deliberately.

So I ask my colleagues: What is more important to the respect of this Senate and the U.S. Government abroad, as well as the health and viability of the arms control process? A treaty well-made or a treaty swiftly dispatched? What will we be remembered for if we do not well consider its terms and implications thoroughly? Our efficient dispatch of legislative procedure or our bungling and incompetence of the affairs of state? Today, tomorrow, and on—America must hope that Senators will at least ponder these thoughts as the drumbeat from the White House and our leadership begins to demand our swift consent to the INF Treaty.

Madam President, much has already been discussed in the various responsible committees and on the floor about the provisions of the INF Treaty. I, for one, have more to say on these issues, as do a number of Senators with whom I have consulted. Today, however, I would focus my view of this treaty on its broader military and political implications. Too often the objectives for which we enter into treaties in the first place dominate our attention. Whether or not we have achieved them becomes less than relevant. I would share my concerns about the INF Treaty in this context, and I would hope however vainly, that Senators may come to the floor over the next few days to debate the relative merits and demerits of these concerns. The treaty's assumptions and objectives are really what will govern us after we consent to ratify, not simply its terms.

I begin, Madam President, by offering an observation. We stand here today debating the INF Treaty not because of a new trust between our nation and the Soviet Government, but because of the persistence of a fundamental distrust. An arms control treaty, make no mistake about it, is an expression of distrust. Were it otherwise, we would have arms control treaties with Britain, with France, with Israel, with Mexico, with Canada, with Japan, and all the nations around and about the world who trust us.

So make no mistake about it, this is not an expression of some new and fundamental trust. It is axiomatic that if we trusted the Soviet Union, that is, if we believed that the goals and aspirations of the Soviet Government were consistent with our own, we would scarcely need to debate this treaty.

The proof of this, Madam President, can be found in our relations with the other democratic states, some of whom are armed with the same weapons that we seek to limit in the INF Treaty. Again, why have we not included them in the negotiations? Why must we seek to limit only Soviet nu-

clear weapons? The answer is clear. The answer is simple. Because of the fundamental distrust between our countries and our peoples. And only because of that distrust.

Does it not follow then that it is not the deployed weapons that we seek to limit—for weapons absent ill intentions do not threaten us. No, Madam President, we seek to limit or constrain or to shape the behavior of the Soviet Union and its allies, whose purposes we have judged to be antithetical to our own, whose purposes we judge are to do us harm. That and nothing else is the limits test for this agreement, Madam President, and not whether this is the beginning of an unprecedented change in the nature of our relations, No. 53. Let me suggest that if we are ever to trust the Soviet Government as we do the governments of the great democracies, the Soviets must not attend first to their own disarmament, but to the legitimate and God-given aspirations of their own and their captive people. It is on the field of imperialist expansion and human rights that we—the leader of the free world—must judge Soviet intentions toward us. To this Senator's judgment, that field has not changed since 1917, and remains unlikely to change in the near future. And it is to those intentions, and the implications of the INF Treaty, that I now turn my attention.

Let me talk first to the military consequences of the INF Treaty. Some have said that the military consequences of this are irrelevant, that it merely returns us to a situation in which we once found ourselves. Some have suggested that they are significant. The administration suggests that there is no reason why the Soviet Union will violate their treaty because it is so easy to circumvent. I maintain that there are serious, unspoken, unconsidered military consequences to this treaty.

Discussions of military matters in this country have acquired an aura of unreality. Jargon, numbers, and detached attitudes mislead many to think that strategy is a game without consequences, except possibly for budgets. Today, I am here to remind the Senate that our votes on the INF Treaty are not part of a game, or of political theater. My point is that this treaty is having a serious influence, a bad influence, on the military position of the United States in the world. This has major consequences for a third of a million American military personnel in Europe, and it means, make no mistake about it, the end of our relationship with Europe as we have known that relationship since the end of World War II. Anyone who thinks that we can undergo a major loss of military capability without paying a serious price should pause to reconsider.

The question arises, why American INF in Europe? Why are they there in the first place? What are we doing when we take them out?

Defending Europe against the Red army has been a problem for the United States since 1945. The reason is simple. At first, Europe was not able, and later it proved unwilling, to provide for itself troops and armaments in quantities sufficient to defeat a possible Soviet invasion. In 1951 NATO's defense ministers met in Lisbon and pledged to provide the alliance 90 divisions on the inter-German border. It quickly became obvious that these were not forthcoming and the pledge was the first in a string of meaningless pledges.

This was but the first of a series of essentially meaningless commitments to the conventional defense of Europe. In 1951 and thereafter, Europe, one way or the other, has relied quite fundamentally on American nuclear weapons.

Make no mistake: American nuclear weapons have been the glue that has held NATO together. Even since the early 1960's, that glue has been cracking.

The deployment of Pershing II's and cruise missiles was a militarily marginal attempt to patch it back together. Without even this equivalent of chewing gum and baling twine, NATO's defenses will now be tenuous at best. Let me explain.

NATO's military forces were never built or deployed to fight. We all hoped that they could deter a Soviet and Warsaw Pact force that was obviously designed for victory. NATO forces were and remain strung out along the border in layer-cake fashion. Their front was not and is not protected by nuclear mine fields, as is the front of northeast Turkey. Their rear has not had and does not have massive reinforcements. The only real hope was, and remains, that the Soviets would be afraid to smash this edifice for fear of a nuclear war with the United States, since during the 1950's the United States was able to protect itself while striking the Soviet Union at will, and Europe slept soundly.

Then, the 1957 sputnik signaled that the Soviet Union could deliver nuclear warheads on the United States, and immediately NATO had a fundamental problem. Would the United States go to war for Europe's sake and thus endanger itself?

It was obvious immediately that words alone would not suffice. That is why, as the 1950's ended, just as soon as America's very first missiles, the Thor and Jupiter, came off the assembly lines, they were rushed to Europe: to England, to Italy, and to Turkey. This assured Europeans and Soviets alike that were the Soviet Union to start war in Europe, the Soviet Union would be struck by missiles from Europe. Incidentally, the Soviets would have to use their then-scarce warheads to try to take out the American INF forces, rather than strike the U.S. By 1960-62, all seemed to be well again. But then, in 1963, as part of the

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settlement of the Cuban missile crisis, the United States removed its INF missiles from Europe—a greater Soviet achievement than missiles in Cuba.

During the years that followed, the United States tried to patch things up. But every subsequent patch was weaker than the previous one. In 1963, over loud objections from the Europeans, Robert McNamara unilaterally sprang the military doctrine of flexible response upon NATO. According to it, NATO would respond in kind to every level of aggression. In other words, if the Soviets invaded in one place with conventional weapons, NATO would fight them there, and nowhere else, with conventional weapons only. If the Soviets chose to use battlefield nuclear weapons, so would we, and so on up the ladder of escalation, step by step. However, NATO reserved the right to go to a higher rung if it were defeated on a lower one. This was the first variant of the less than "brilliant" military doctrine the United States used in Vietnam. Naturally, the Europeans wanted no part in it. They were partially reassured, however, by the fact that in the 1960's the United States had what was then called "escalation dominance"—meaning that while NATO was at a disadvantage in conventional weapons, the United States had a significant advantage in battlefield nuclear weapons, and an even greater advantage in intercontinental weapons. This meant that while the Europeans could not be as secure as in the past, they knew that even if the strategy implied the fighting of a war on their soil, they were probably OK, given that the overall military equation gave the Soviets no incentive to go to war and no lever for coercion.

Today is a different story. Today, our problems are rooted in the events of the decade 1965-75. Quite simply, the Soviet Union reversed the military balance as regards both battlefield and long-range nuclear weapons—while at the same time it widened its advantage in the conventional field. Thus, by the mid-1970's "flexible response" had become a hollow term, because if NATO and the United States were to resist a Soviet invasion, our choice would be to lose badly on the conventional level, or lose even worse, and with worse damage, at higher levels. Nonetheless, we bowed down to the doctrine of a god called flexible response, because knowing we could not use nuclear weapons in our defense meant confronting the world that confronted us.

The Soviets' introduction of the SS-20 was dramatic, but it was overdramatized, since the Soviet Union had already established escalation dominance over the United States. By the late 1970's the Soviets had more than enough warheads to cover their targets.

NATO's strategic discussions in the late 1970's deserve to be remembered today. There was a consensus that the

alliance's military posture had to be much improved. But whatever intentions there were of restoring flexible response to its original status vanished when it became clear that the United States, responding to a Communist-front campaign, would not deploy the enhanced radiation warhead, and that, above all, the United States would sign a SALT II treaty under which it would not try to reverse Soviet superiority in long-range, counterforce warheads.

How ironic, Mr. President, that the principle violation of the SALT II Treaty now becomes enshrined in the language of the INF Treaty! The SS-25 was considered a violation. It is now specifically authorized and allowed in the treaty before us. So the violations of the treaty before become the provisions of the treaty to follow.

Under the circumstances, after we ceding to the Soviet Union superiority in long-range, counterforce warheads, NATO is left with but one option—that was to try to create the impression that however disadvantageous it might be for NATO to go up the ladder of escalation that it would do it. The only way to do this was for the United States to reverse the Kennedy administration's 1963 decision, and to reintroduce American intermediate range missiles into Europe.

The decision to deploy 572 INF warheads in Europe was not an attempt to counter 2,000 SS-20 and 400 SS-4 warheads. It was just to put in 572 warheads. Had it been an attempt to counter them, it would have been laughable on its face. Instead, it was a last stab at lending some deterrent credibility to a military arrangement that had become untenable.

Note well what we could and could not have done with our INF. Both the Pershings and the cruise are mobile, quick-reacting, highly accurate, some with short time of flight, and can be rapidly retargeted. It also means they could strike the rear of Soviet forces quickly, efficiently, and with relatively little collateral damage. Of course because they are so few, our INF missiles would surely not have enabled NATO to defeat an all-out attempt by the Soviet Union to take over Europe. But because our INF missiles are so obviously weapons that any defending army would be very likely to use, they created obvious disturbances to Soviet military plans. So much so that the Soviets went through a lot of trouble to get rid of them. Now they are rid of them.

And they create a new balance.

The proponents of the INF treaty say—and a few may even believe it—that it is a good deal because the United States gives up 572 warheads while the Soviets give up four times, as many. But this simplistic numerology ignores two facts. First, our 572 warheads were the one and only credible nuclear link in the chain between the European battlefield and the Soviet Union. What others are there? Nuclear-armed fighter-bombers? What

are their chances of getting through Soviet air defenses? Perhaps before we are done the Chairman of the Armed Services Committee will explain to us what these chances are. I personally doubt he would put friends of his in the cockpit. How about American submarines and land-based missiles in the United States? I know and hear that the official U.S. line is still that stated by President Kennedy: "We will defend your cities with our cities." But perhaps the distinguished chairman of the Armed Services Committee would explain to the public just how that would work given the military balance of 1988? The Senator from Georgia will tell us, I hope, in case of a Soviet invasion of Europe, what would United States strategic forces shoot at?

A fundamental question, Mr. President. What would U.S. strategic forces shoot at?

How many warheads? Where? And what would the Soviet Union do then? Why would it make sense for us to actually do it? And if it would not make sense to do it, then why should anyone believe the threat? Therein is our problem. And if no one believes the threat, why are we removing from Europe something that the Soviet Union really does believe would be used? Perhaps our military establishment, can explain this to unsophisticates like ourselves. Perhaps the Senator from Rhode Island will tell us "with what new words our diplomats will fight" now there is no military basis to sustain them.

The second fact is that while our removal of 572 warheads will mean that vital strategic targets will remain uncovered, the Soviets' removal of four times as many will not prevent them from covering each and every NATO target that they now cover. That is because we are very short of warheads, while they have plenty and are physically close by. They are enshrined in this treaty. It is also because while we will abide by the spirit, as well as the letter of the treaty, the Soviets may abide by the letter but surely not the spirit. And we have seen that already in the test made light of by the Secretary of State and others of the Soviets' SSN-19 from a mobile ground launcher.

Make no mistake about it. While we cover it up and hide our faces and turn our noses today, in 6 months' time there will be a compliance problem existing between the United States and the Soviet Union.

Our forces now will be threatened by a newer, more accurate, more flexible missile, the SS-25. What is more, that newer, more accurate, more flexible missile is now entirely unthreatened and secure.

All of this is to say that NATO will not have the wherewithal to deter and the Europeans know it and the Soviets know that the Europeans know it and Senators all know that the Soviets know and the Europeans know it. And

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Senators know that this is why German politicians are today lining up outside the Kremlin to make their deal. I will have more to speak to that later on.

My point here is that the INF Treaty represents the abandonment of seriousness about deterrence. We can see this in the loose talk about radical improvements in NATO's conventional force structure. It is whistling past graveyards, Mr. President.

Suppose with me for a moment that every scheme proposed actually came to pass. None of it, none of what is proposed would make a difference against the Soviet Union deterred from using the obvious weapon of choice, precursor strikes by SS-25's armed with nuclear, chemical, or conventional warheads. Our troops will have nothing like the ABM defense that the Soviets will have in the SA-12-B, even though we will be threatened by ballistic missiles far more than they.

At once the key storage sites, the airfields, and the command centers of Europe have been taken out. What will our fancy new conventional gear do for us? Who will stand on the floor of this Senate and tell me that the military structure of Europe, the means by which it is based, the structure of those bases is anything but positively beautiful sitting ducks for Soviet missilery. They are too small, too confined, too densely settled, whether air bases, military bases, tank depots, what have you.

And furthermore, the air arm which is supposed to be that thing which gives us the opportunity to reestablish deterrence are located at a handful of bases where specific types of aircraft are bunched by their type and role. Surveillance aircraft are at one base, close-range aircraft at another, fighters at several others. It leaves a Soviet military planner but one simple problem to solve: Which is the most important to take out first?

Who will argue that that is not the case? Who will argue?

The problem is this question will not arise. No one is really serious about conventional weapons in 1988 for the same reason that no one has been serious about conventional weapons since 1951. They are prohibitively expensive, both in terms of money and manpower; and in the end, a good small NATO conventional army will be defeated by a good, big, heavy nuclear Soviet Army.

If an official testimonial be needed for all of this—and I hope that the leaders of the Foreign Relations Committee might hear this—note, please, that the last, the last NATO ministerial meeting, January of this year, I believe, asked NATO headquarters to come up with a draft comprehensive plan for NATO's military posture after the INF Treaty by December of this year.

Who is comfortable with that kind of leadership from the West? Why is

the ministerial asking NATO headquarters to come up with a plan at the end of this year to confront a post-INF Europe? Good Lord, do we as citizens not have the right to expect our own leader would think of that before the treaty?

It seems beyond the repertoire capacity of Gilbert and Sullivan to believe that even our leaders did not recognize how ironic it was that a ministerial would be asking that out loud and in public. The truth of it all is we do not know what post-INF Europe is going to look like because nobody has thought about what post-INF Europe will look like, not the Europeans, not Secretary Shultz, not Admiral Crowe. Nobody does because, if they did, the answer would have been forthcoming.

I was in Europe, in England, France, and Brussels in January of this year and sat with NATO military leaders and said to them:

I am the fairy godmother today. I can grant your wish tomorrow. Tell me what you would like the conventional force balance to look like. Just tell me, so that at least we now have a target as to where we might go and what we might have to confront and what the problem is that we see.

Not in Brussels, not in Paris, not in England, and not in the United States is there yet an answer to that. But they tell us to hurry, the INF Treaty is troubling the climate of the summit.

Common sense shouts, it absolutely shouts, that the INF Treaty should be considered acceptable only if it fits within a comprehensive NATO military plan. But that is not how we are doing things in negotiating treaties first and asking questions about their military effect later. No, sadly, today we do the treaty first and then plan on how to live with it. And perhaps someone will show me how it is wrong to call this irresponsible.

The Secretary of State appears to believe that you can throw a rock in a still pond and cause no ripples. It appears more than passingly obvious that the fundamental objective of arms control in the United States is political, not strategic; is political, not military; is designed to satisfy our needs, not redress balances that have been designed, confronted, and thought worthy of discussing, debating, and fighting over.

I would not even know how to go about trying to amend this treaty to address that balance because NATO does not know how to go about addressing that balance. And therein I arrive the political consequences of the INF Treaty.

Mr. President, I apologize to the Senate for history lessons, but it seems that history is lost even on those who legislated through it. It seems that we have forgotten what it was we set out to do over the course of a series of events, responding only to political needs, sometimes self-generated, more often accidentally triggered.

Over the past 2 weeks, I have spoken about various aspects of this treaty and how awkwardly some of it is drafted, how unfairly some of it is conceived, and how shallowly some of it has been pursued. These range from a lack of precision that simply allows the Soviet Union to substitute better weapons for the ones it promises to remove; to the inadequacy of a verification regime that will allow the Soviets to retain whatever weapons it chooses to retain; to the total absence of U.S. commitment to Soviet compliance that allows the Soviet Union to flaunt current treaties as we negotiate new ones, to the disastrous effect the treaty will have on the military situation in Europe.

So I would now like to focus on the political effects of the treaty.

First, fundamentally and foremost, the political effect of this treaty is at home. It was, in fact, President Reagan who told us, told the Nation, told Europe that he would not bring us a treaty until the Soviets were in compliance with existing treaty obligations. The week before Gorbachev arrived with the still unnegotiated INF Treaty, the President released a list of Soviet violations of arms control treaties and asked us to hurry and embrace the new treaty.

What are the Soviets to think about the seriousness with which we approach treaties? Does not this request in effect give them license to continue to violate treaties?

Oh, it gives the Senate a wonderful chance to stand on the floor and pontificate about how treaties are being violated. But whoever seeks to do anything but control even further the flexibility and the response of our own Nation when that takes place?

So the President and the leadership on my side and the leadership on the other side are asking us to do two things. We, at one time, are being asked to ratify and give our advice and consent to ratification of this treaty and, at the same time, make no mistake, give our advice and consent to past Soviet behavior and, therefore, license it in the future.

Will anyone in here explain to me why that is not the case? How can we say that we trust you now to abide by the terms of a new treaty with far graver consequences when you are in violation of treaties with less grave consequences? Is that what President Reagan wants us to do? Apparently.

In my judgment, the overall political effect of the whole treaty is far worse than the ill-effect of all its flawed aspects put together.

In a nutshell, the INF Treaty is the latest in a series of United States actions that have more and more undermined the post-war political order of Europe. In the wake of the INF Treaty, it may well be impossible to stop the progressive collapse of that order.

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Over the past 25 years our relations with Europe, especially with Germany, have changed for the worse. Today, on many issues of consequence, Europe, led by Germany, tends to work against the interests of the United States.

There is a war in Central America. Who should win it? The German foreign minister is working to help the Sandinistas win it. There is a struggle in the Middle East, between Israel and the PLO. The German foreign minister is on the side of the PLO.

When Poland tried to shake off the Soviet yoke, Mr. Gernsher was on the Soviet side.

Official U.S. policy is that the United States must acquire the best antimissile defense we can as soon as possible. The German foreign minister was working to keep this from happening.

Indeed, in any given controversy between the United States and the Soviet Union, German foreign policy is likelier than not to be on the Soviet side and against us. Perhaps most important, Germany is now transferring about 2 percent of its gross national product to the Soviet Union in various ways. And that figure is on the way up as German politicians race to Moscow for the Soviet leaders' favor.

And why is this happening? It is worthwhile to recall why we paid for the Marshall Plan and set up NATO in the first place? Above all, we want to keep the Soviet Union from using against us the resources of Europe in general and Germany in particular. Recall why Europe in general and Germany in particular were eager to take part in this American-sponsored post-war order. Above all, they wanted America's nuclear protection against the Soviet Union.

Once upon a time when the protection we delivered was absolute, so, too, was Europe's solidarity with us. But, as the military balance shifted toward the Soviet Union in the late 1960's, Europe began to hedge its bets and now Germany's bettors are rushing to Moscow. And why not?

A nation can expect good friends only when it has military superiority. The United States sees that time and time again around the world and yet refuses to believe it, in some kind of utopian view that our power really means nothing in this world.

As the military balance continues to shift against us, as a result of the INF Treaty, what political results can we expect other than that Europe, led by Germany, will move to accommodate the Soviet Union?

And when our Secretary of State and our Ambassador to Germany sided with the German left against the sitting government on the issue of Germany P-1's, all need to remain hitched to the Western wagon simply vanished and a downward spiral began.

The first effect of the INF Treaty is surely that it will be impossible as a matter of practical politics for either Europe or the United States to fill any of the military holes that the INF

Treaty has blown in our military posture.

Military forces are credible deterrents only when they are obviously designed and built to fight and to win wars. But they can be so designed and built only if one decides that a given war is possible and that it would be worthwhile to fight it.

Let me repeat that. Military forces are credible deterrents only when they are obviously designed and built to fight and to win wars. But they can be so designed and built only if one decides that a given war is possible and that were to happen it would be worthwhile to fight it.

The logic of any arms control agreement, however, is that the Soviet Union is a partner in a peace process rather than the enemy in a possible war. I hear Senators in here saying that this treaty is one step closer to peace.

Now with whom, to hell, are we at war? We are at peace; we have been at peace; and we will remain at peace if and only if we are able to maintain a deterrent that is credible and the ability to fight a war that we think could happen and hoped to design our weapons to win. And now that is gone.

Our President says that the Soviet Union is now a partner interested in peace and not an enemy preparing for conquest or intimidation. Our President says this and every leader in Europe has helped him to raise Mr. Gorbachev's credibility with European voters. Nevertheless, while we have been helping to raise the Soviet Union's political stock, the Soviet Union and European leftist parties have redoubled their charges that the United States is the root cause of the danger of war.

Given this imbalance of political efforts it is more than natural, it is obvious, it is essential that the Germans and other Europeans, to a lesser extent, now believe that they have less to fear from the Soviet Union than from the United States.

This political imbalance is beginning to have an effect on American public opinion as well. Is it, therefore, even conceivable that European parliaments, or the United States Congress, will agree to provide new large-scale military improvements designed to be at least as disturbing to the Soviet Union as the Pershing II's and other United States missiles have been? The political logic that produced the INF Treaty categorically says no.

If the distinguished chairman of the Foreign Relations Committee or the Senator from Indiana have a different understanding of this political logic and where it might lead, I wish they would explain it and tell us the rest.

My understanding of this logic is that it leads inexorably to a downward spiral of American allied military power and of an ever greater accommodation to the Soviet Union, a spiral that becomes harder and harder to

stop and that takes us where just about none of us wants to go.

Very few of us want a START agreement that will increase the ratio of Soviet fighting warheads to American strategic targets; but few of us are willing to say so because it is incongruous to talk in terms of the logic of war when we are patting each other on the back for supposedly stepping onto the path of peace.

That is why we will be induced to swallow any number of events that we know put our country in danger. Perhaps we will find the military logic so politically embarrassing that we will even just stop thinking about it.

But make no mistake, the Soviet Union is thinking about it. Very few of us want to see the denuclearization of Europe and every Member I know from the Senate who has met with German politicians in recent times has made that point. It is a point easy to make. But how are we going to stop it coming?

By agreeing to the INF Treaty we are taking out of Europe the most effective nuclear weapons we have. If we do not want to sustain the argument for having very effective weapons that would land outside of Germany, what makes us think we are going to sustain, much less win, the argument in favor of retaining nuclear weapons that can only land in Germany?

I would love to hear the Senator from Indiana or the Senator from Rhode Island, who support this treaty, answer that question. My own view is that the political logic of the INF Treaty leads directly to the denuclearization of Germany. We genuinely do not want this to happen, and I would say that neither, probably, does the Senator from Indiana or the Senator from Rhode Island want this to happen.

But apparently many in this body are willing to advance the logic that leads to denuclearization, while trusting that some miracle will prevent it. But what happens when the miracle does not happen, the logic works itself out as we foresaw, and we get a denuclearized Germany? Who will bear responsibility for that event?

Nobody here believes that withdrawing United States troops from Europe would be a good thing in and of itself. Some what to do it in the hope of awakening Europe to its responsibilities, and others are willing to do it because our troops have become outgunned and outmatched. But nobody, least of all the Senator from Wyoming, wants to abandon Europe. Yet what would be the role of United States troops in a denuclearized Germany?

I can explain to my constituents—indeed I can explain to my sons—why they ought to put their lives on the line in Europe if they are part of a force with weapons and plans such that, in the event of war, they would stand a good chance of surviving and

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winning. But I cannot tell my constituents—and I will not tell my sons—to go serve in Europe without nuclear weapons, or with inferior ones, when the Soviets have the means to kill them or capture them and send them to Siberia. I do not know any elected official who will be able to sustain the argument that United States troops should stay in Europe even though they are outgunned—in effect to stay there as hostages—just to calm the nerves of Hans Dietrich Genscher and to allow the Germans to ease their accommodation with Moscow. Make no mistake about it. The denuclearization of Germany would mean the departure of United States troops from that country.

What then would happen if United States troops left Germany under these circumstances? Under another set of circumstances, one could reasonably have hoped that Europe would pull itself together into a serious military force with a stock of nuclear weapons to match and deter the Soviets. But a United States withdrawal from a Germany that had already decided to denuclearize itself would be too late to produce such a result. Germany would have made its deal with the Soviet Union. France and perhaps Britain, try as they might, have neither the material nor the political means to right quickly a Eurostrategic balance that has been tilting to the Soviet Union for so many years with the consent of the United States. Where would the United States troops withdrawn from Germany go? Would France and Britain, or Italy want them? Would we want them there? That would depend on whether we could give them nuclear armament with which they could strike the rear of advancing Soviet troops. In other words, if we wanted to keep them in Europe, we would have to reequip them with the weapons we decided to take from them when ratified the INF Treaty. Otherwise, they would come home and the rest of Europe would follow Germany into accommodation. But if we can now foresee that we will have to restore them the moment we want military credibility, why are we rushing to take these vital weapons from our troops now?

The answer is the political engine.

One might object to what I have been saying by the truism that trains of political logic do not necessarily run to their logical conclusions. That is true. Something could intervene to stop or throw this train in reverse. But if that is more than a purely theoretical possibility, perhaps someone will tell me what that reversing event is likely to be in this case. On the other hand, it is all too easy to see the factors that are actually driving this train of political logic to a tragic end. Look at them carefully, because we Americans are responsible for many of them, and we are about to become responsible for another one.

I hope that some here remember the political fights that took place all over Europe between 1979 and 1984. The question of whether or not our INF missiles should be deployed was only the occasion of the fights. The root cause, however, was that two very different political tribes—the European socialist parties and new left on the one hand, and the political center and right on the other were slugging it out for control of Europe. It is essential to realize that the differences between these two sets of opponents in the 1980's are much bigger than they had been in previous years.

Those of us who got to know European socialism in the days of Hugh Gritskeel and Kurt Schumacher will not recognize today's European socialists, led by people like Neil Kinnock and Oskar Lafontaine. Since the late 1960's, under the influence of events such as the Berlin wall and the Helsinki accords, as well as under the lash of new left groups such as the Greene, European socialist parties have re-adopted marxism, and have acquired a hard, pro-Soviet and anti-American edge. In 1974-84 the battle over deployment of INF was fought out as a battle between opposing visions of good and evil, not strength and weakness. It was much rougher than anything in Europe since 1945. On one side was the vision of a Europe denuclearized, aligned against the United States in the Third World, and with its economy much more deeply involved with the Soviet Union. On the other side was the vision of a Europe armed with nuclear weapons, doing whatever was necessary to defend itself, including SDI. This Europe would be aligned with the United States around the world and would remain socially what it has been. This side claimed that a basic enmity with the Soviet Union and communism would be a central fact of life and that nuclear weapons would be essential for living in such a world. The other side said this was crazy, and that the path to safety lay in getting rid of both nuclear weapons and of the notion that the Soviet Union was an enemy.

Every European country had at least one election during this period, and without exception, the pro-American, promissile deployment side won big. Their political credit was confirmed and grew. By 1986, the wind was in their sails, and the future seemed theirs. Observers spoke of a coming generation of exile for the left.

And then the Americans dropped the other shoe, at Reykjavik, and by welcoming Gorbachev in triumph in Washington to sign the INF Treaty, and by semipublicly riding roughshod over Germany's wishes to retain the Pershing IAs. Suddenly, the United States had validated every point that the far left had made in the political wars of 1979-84. The Soviet Union was not the enemy, nuclear weapons were. The Soviet Union was good, and we should be nicer to it. The Pershings

and Cruises were bad, and would have to go.

Almost overnight, the center-right politicians, from Margaret Thatcher to Helmut Kohl, to Jacques Chirac, and even Francois Mitterrand who had been speaking well of the missiles and ill of the Soviets, ceased looking like wise men and began looking like obstacles to a United States-Soviet understanding about peace. Not only were they discredited, but so was much of their agenda. They scrambled to claim that they had been on the side of a negotiated double-zero solution all along, and they vied to say nice things about Gorbachev. But no one missed the point that they were singing someone else's song.

Almost overnight, the far left politicians who had been rejected for speaking ill of the missiles and speaking well of the Soviet Union looked like men who had been correct all along. Their entire agenda was accredited. The wind was in their sails. Having zeroed nuclear delivery vehicles with ranges between 500 and 5,500 kilometers, they committed themselves to zeroing the remaining nuclear weapons, the ones whose ranges are so short that they would land on Germany. The INF fight had been tough. This one would be easy.

In January 1988, Erich Honecker, the East German dictator, wrote to Chancellor Kohl proposing negotiations to denuclearize Germany. Kohl and his Christian Democratic Party did not have it in them to reject the very notion of such negotiations. It was left to the Christian Democratic floor leader in the Bundestag, Alfred Dregger, to admit that the third zero was on the agenda. I ask the Senate, I ask the Nation, I ask the Secretary of State, the Foreign Relations Committee, and anybody else who comes to listen, How can this fight possibly come out? How can any German, once he has agreed that the Pershing II's and cruise missiles were a bad thing, now argue that nuclear weapons that can only explode on Germany are a good thing? Even if they were inclined to do so by pressure from the United States, any such politician would have to consider that the United States might do to them in this instance what it did regarding INF—that is, switch sides and leave them holding indefensible positions. Besides, with the United States on record with so much antinuclear rhetoric, no German politician would stake his career on a campaign in favor of short-range nuclear weapons. Besides, even if a German politician were to throw caution to the winds and try to oppose denuclearization in an election campaign conducted after the ratification of the INF Treaty, he would lose. Signing the INF Treaty has already altered the German political landscape. Ratification will change it some more. We may already be past the political

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point of no return in Germany. Such, if we ratify INF, we surely will be.

All of this is to say that the train of political logic set in motion by the INF Treaty has a powerful engine. Unfortunately, voting for ratification, no matter what the arguments in favor of this agreement, is stoking that engine. History will hold us responsible for the events that all of this will bring, because on a few days in May the Senate suspended judgment in pursuit of peace—when we are not at war—in pursuit of security when we already had it.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. WALLOP. I thank the Chair.

Mr. President, I ask unanimous consent that two amendments to the treaty be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

EXECUTIVE AMENDMENT No. 2106

In Article VI, paragraph 2 of the Treaty, strike "which is outwardly similar to, but not interchangeable with" and insert in lieu thereof "which is either outwardly similar to, or interchangeable with".

EXECUTIVE AMENDMENT No. 2107

In Article IV of the Treaty insert before the period at the end of Paragraph 1 thereof the following:

"; provided, further, that the Parties agree that vehicular launchers subject to elimination under this Treaty shall be rendered entirely inoperable both as launchers and vehicles by cutting such vehicular launchers in halves."

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I think we ought to have at some point this afternoon an opportunity to think carefully about unanimous consent to proceed from the treaty to the Resolution of Ratification, and also I would like to have some understanding as to what agreements have been reached on the amendment by Mr. D'AMATO to the Department of Defense authorization bill. I understand that there have been good speeches and that there are

two other Senators who are slated to speak on the treaty within the next short while. I would suggest that around 4 o'clock today, or thereabouts, perhaps we ought to have a live quorum and have Senators come over and let us have discussion as to where we are on the treaty and as to whether or not we can get from the treaty to the Resolution of Ratification. So if our cloakrooms would announce to our respective colleagues that we expect during the afternoon to put a unanimous-consent request and it would be well if Senators came over, we would have a little airing as to where we are.

I compliment the Senator and managers of the bill—Mr. PELL, Mr. LUGAR, Mr. DOLE, Mr. CRANSTON, and others who have been marshaling the speakers and trying to get them to come to the floor. I also compliment those who have come to the floor and spoken. But they are also going to make speeches later. I know how it is. I sometimes like to make a speech now and one later. If we can get agreement to move from the treaty to the Resolution of Ratification, that would be helpful.

Mr. DOLE. Mr. President, if there are speeches by Republicans, there is no one here to speak now, so I hope they will head in this direction, because we would like people to speak before we move to the Resolution of Ratification.

As the majority leader pointed out, you can make the same speech on the Resolution of Ratification that is before us, so it is not critical that people speak right now. But it is important, in my view, that we do more to the Resolution of Ratification.

I hope there will be no amendments to the text of the treaty. I think I indicated earlier today that there might be four amendments. I am now advised that two of the four indicated they would not offer amendments. Hopefully, the other two will reach the same conclusion. In any event, if they do intend to offer amendments, I hope they do that today, because we have had good discussion. There has been hardly any time lost. There could be speeches made by those who support and those who oppose the treaty.

I think that 4 o'clock, as the majority leader has suggested, would be a good time to come together to see where we are. At that time, I will again contact Senator D'AMATO to see where they are on the amendment on the defense authorization bill.

Mr. BYRD. Very well.

Mr. President, there are a number of Senators who will not be able to be around in the early evening, between 7 and 10 o'clock. So if any Senators wish to speak during that period, the Senate will stay in session. If there are none this evening, the Senate will go out at 7 o'clock.

I repeat that for any Senators who wish to speak later than that, the Senate will be in session, if they so wish.

Mr. President, I renew the suggestion concerning the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EVANS. Mr. President, I have listened to the early part of the debate on this treaty with considerable interest. We have had many opening statements and, as we all know, a single point of order on which the vote was rather substantial.

Many of the early statements, however, have been oriented toward history; they have been oriented toward ancillary events. They have been oriented toward what we love to do in this Chamber, and that is not talk precisely about the issue before us but about the "what ifs." What if something happens on conventional armament? What if something happens in some other facet of arms control? As if that had a direct bearing on what we are here debating and what we will at some point vote upon. I do not intend to take up much of the Senate's time with another review of all the issues raised by the INF Treaty.

First, I commend the chairmen and the ranking members of the committees responsible for this initial review. I believe this review was as comprehensive and thorough as any in the history of treaty making in this Nation. We wanted to be careful and thoughtful and complete in what we were about to undertake.

The comprehensive and thorough review resulted in some important supplementary agreements with the Soviet Union that helped clarify the obligations of the parties under the treaty and I believe will make it a better document.

Nevertheless, I feel compelled to spend at least a few minutes talking about what I believe are some disturbing aspects of this process we are now in. For the most part, principal problems flow from an inability or unwillingness to maintain a really proper perspective over what the INF Treaty is really all about.

Certainly, the INF Treaty, which, if adopted, will be the first major treaty of anything like its consequences in 14 years, has both symbolic and substantive significance for the arms control process. There is no question about it. It is the first arms control treaty considered by the Senate for advance and consent since the SALT I Treaty was considered in 1972. Moreover, as we all know, this is the first nuclear arms control treaty to provide for actual reductions in the nuclear arsenals of the superpowers and for actual elimination of missiles, launchers, and the related support structures and facilities.

We also include unprecedented inspection and verification provisions. In fact, it is rather ironic that the verification provisions themselves tilted people, some people, from an objection to the treaty because of lack of verification, their concern about placing too much trust in the Soviet Union, and as the treaty negotiations went on and on and on those very same people suddenly were objecting to the treaty for quite a different reason.

Now it was too intrusive; verification was too complete; we simply could not afford to allow the Soviet Union to inspect and to visit some of our most secret facilities that the verification procedures would call for. Interesting.

The only thing they did not change was their opposition to the treaty which remains total, absolute and under no circumstances are we likely to bring some of those objectors aboard for any kind of an arms control treaty.

But let us look more specifically at just what it is we are doing. The treaty provides for elimination of only a very small portion of the nuclear missiles held by each side. And the missiles to be eliminated are the shortest range missiles. Clearly, in the overall scheme of things, the agreement represents a solid, if modest, achievement.

However, throughout the deliberations in the Senate Foreign Relations Committee and in other committees and in the debate so far on the floor there has been, in my view, a disturbing tendency among some Senators to characterize the treaty unfairly. For some, the treaty apparently would result in apocalyptic military consequences for the United States and our allies.

And to say, this, of course, in the light of the testimony we received from one after another of our top military leaders and in the information we received from their counterparts throughout Europe, to say that it would have apocalyptic military consequences means that we have had a steady stream of misleading, false testimony from the very military leaders we depend upon, and I do not think that is true.

For others, the treaty is fatally flawed because it does not address aspects of the superpower relationship unrelated to nuclear weapons.

Mr. President, I think it is time for us to focus on what is in front of us, not to try to bring in as we are so wont to do in this Senate all of the unrelated, nongermane kinds of elements that are not strictly on point when it comes to this treaty.

The treaty does not pretend to be that ambitious. It has been clear from the time negotiations began on this treaty that the category of weapons addressed in the negotiations was far too small to have anything approaching overwhelming military significance. And that message has been reinforced time and time again during Senate hearings on the INF

Treaty. A broad array of our top military planners and strategic theorists have testified that the treaty will have only a small impact on the overall nuclear balance despite the fact that the treaty is militarily advantageous to the United States.

At the same time, the treaty was never intended as a vehicle to resolve all the differences we have with the Soviet Union or to redress all the imbalances between the Warsaw Pact and NATO. It has never been billed as anything more or less than precisely that which it purports to provide for: The elimination of the intermediate range and shorter range missiles of the Soviet Union and the United States in Europe and in portions of Asia.

Accordingly, I believe there is simply no reason whatsoever for us to attempt to burden this treaty with provisions that it was never intended to carry. This treaty was never intended to address conventional military forces in any way and should not now be asked to carry the burden of what is properly the subject of separate, and in this case multilateral, not bilateral negotiations. This treaty was never intended to resolve differences between the United States and Soviet Union over human rights issues and should not now be asked to carry that burden either.

Moreover, this treaty should not be asked to carry the burden of amendments or other provisions which are no more than thinly veiled attempts to delay its ratification. The treaty, for example, will not result in a disadvantageous nuclear materials stockpile gap that this Senate should be concerned about.

This treaty has received unprecedented review and consideration by the Foreign Relations, Armed Services, and Select Intelligence Committees. We have reviewed the negotiating record in detail. We have had doubly and triply redundant testimony from authoritative administration witnesses. It is probably fair to say that no treaty of the United States has been subject to such exacting scrutiny.

So, another concern I have is the apparent desire somehow and somehow of Senators to make certain that there are some Senate fingerprints on this treaty or on the resolution of ratification just simply to show that we are serious and that we have analyzed the treaty and that in doing so somehow we have to add to it or amend its provisions.

We have no need to be defensive about the Senate's role in evaluating and passing judgment on this treaty. We have not failed if in the ultimate analysis we ratify the treaty as it is now written. We do not need to condition our advice and consent for example, on Soviet agreement to interpretations to which they already have formally subscribed in a document every bit as binding as the treaty itself.

We will simply puzzle those not only from the Soviet Union but from

Europe and elsewhere in wondering what it is we are attempting to do after receiving the kindness and assurances in formal documents that we felt were necessary then to show our mistrust or whatever other sentiment it is we are trying to display by asking once again that those very same provisions be added to this treaty.

We do not need to restate constitutional law or principles regarding the relationship between the Senate and the President in making and interpreting treaties. We all agree the very essence of treaty-making and of Senate ratification of all treaties is that the shared interpretation of the President and the Senate at the time of treaty agreement constitutes the basis of our legal obligations as a Nation. To the extent that future events or circumstances cast into ambiguous light provisions which now are crystal clear, those ambiguities will have to be addressed. We simply can neither foresee now nor solve now all potential future problems which might arise under this treaty. We should not burden the treaty with attempts to do so.

Mr. President, I believe this treaty is sound. It will allow us to accomplish a limited objective in a way that provides us with unprecedented means to make certain that our interests are protected. There simply is no need to make any modifications to the text of the treaty or to add any conditions to our advice and consent during consideration of this agreement on the floor of the Senate. It embodies in principle the phrase that the President is so fond of and which General Secretary Gorbachev apparently is now tired of hearing: Trust, but verify. We do a disservice to the American people to the extent we treat this treaty as something more, or less, than what it is: A single step back from the nuclear precipice.

I yield the floor.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. QUAYLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. Mr. President, we now have before us the INF Treaty that has been before the Senate now for a little over 4 months. It has gone through exhaustive hearings in the Senate Armed Services Committee, Senate Foreign Relations Committee, and the Senate Intelligence Committee and is now prepared to be debated, amended or not amended, and approved for ratification for the United States so the President and the General Secretary of the Communist Party can finally wrap up this treaty and begin its implementation.

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Mr. President, as I examined this treaty and listened to the testimony that we had over these months, I believe that what has driven events, for me and perhaps a lot of others, is what has become known as the Kissinger-Kirkpatrick view.

The Kissinger-Kirkpatrick view of the INF Treaty, in its briefest form, is that the treaty is a mistake, but it would be a greater mistake for the Senate not to ratify it. That is the Kissinger-Kirkpatrick approach to this INF Treaty. I believe that many in this Senate will be supporting the treaty and voting for it along those lines.

It is somewhat, I suppose, premature fatalism to argue that "Well, it is a mistake, but it would be a greater mistake not to ratify or improve the treaty because of what it would do to Europe." Yet, that is the reason that we now find ourselves saying, "Well, let us just get on with it. Wrap it up. Send it on back down to the President. Get this over with."

There are still a couple outstanding issues. One is the interpretation issue. I think we have to finally wrap up the futures issue and figure out what the record is going to reflect on the diplomatic notes of exchange and determine what we view to be a nonweapon delivery system. I believe Senator HOLLINGS has an important amendment dealing with the conventional cruise missiles. And there will be some other sense of the Senate Resolutions and some reservations that will be debated. We might get into NATO policy and amendments on where we ought to go from here. For all practical purposes, there are only a few major outstanding issues.

But the thinking now is just to get the treaty's approval over with. And we will get it over with because our rationale is the Kissinger-Kirkpatrick doctrine, which is a somewhat fatalistic approach to this treaty; that that is where we are.

Mr. President, I think that it is important that we go through and figure out how did we get here and what did we get? What are some of the good things of the treaty? What are some of the problems? What are some of the challenges that we are going to have? And to try to lay these out as best as we can.

The first question we must ask ourselves is how did we get here? How did we get to this position of having the INF Treaty before the U.S. Senate? Well, I can say, Mr. President, that a key point of reference would be 1979. I think 1979 is the point when the United States and NATO first publicly confronted the Soviets' deployment of the SS-20's by tying NATO's deployment of P-II's and GLCM's to arms control efforts to reduce INF missiles on both sides to the lowest possible level. And we began what was commonly referred to as the dual track approach: We would begin negotiations with the Soviet Union to get

rid of the SS-20's, but if in fact they did not limit the SS-20's we would in fact go ahead and deploy.

And what happened basically, and I think it has been stated a number of times, is that the Soviets called our bluff. There was some discussion as far back as 1977, in the former administration, that perhaps we could provide the nuclear deterrent by just adding a few more submarines. But it was rejected at the time, by Chancellor Schmidt of Germany, and other NATO leaders. They said, no, they did not want to have that sea-based deterrent; that they really wanted to have those missiles on the land because that showed alliance cohesiveness. So the sea option was rejected.

As we look at the 1979 reference point we begin to trace the emergence of the so-called zero-zero option, which was not formally put into place until 1981. We went through a lot of difficult times. We went through a lot of protests, we had a lot of marches, there was political conservatism and political uncertainty whether we would go forward with this.

The Soviets walked out of the talks and eventually came back and accepted what we proposed in 1981. It showed that when we have resolve and decide to stick with our position we sometimes get our position. And that is one of the good things about this treaty. It is a lesson on how to negotiate.

But there was a lot of uncertainty at the time. There was a lot of propaganda and I think that the Soviets were simply trying to see what the political climate would bear.

It was during this time that there was not just political uncertainty in Europe but there was political uncertainty even in this country. I know my dear friend from Indiana, we have talked a lot about this, but back in 1982 and 1983 we were always confronted, particularly even as late as October of 1983, we were confronted on this floor with a resolution just to freeze nuclear weapons. It was a simple approach, one that you could put on a bumper sticker, one that had a lot of political appeal. As a matter of fact, it got over 40 votes in this body.

Many of the Senators that supported that freeze resolution are very strong advocates of this treaty. I might point out to them that had that freeze resolution been adopted, we would not have this treaty. That freeze resolution said no more production, just freeze nuclear weapons. The Pershing II and the ground launch cruise missile would never be deployed, and if they had not been deployed, we would not be taking out the SS-20, the SS-5's, the SS-4's, the SS-12's, the SS-23's, and the SSC-X-4's along with the Pershing II's and cruise missiles. So we had a lot of political uncertainty and it was not just in Europe. We had political uncertainty in this country, in this Senate, in this Congress. The freeze resolution passed the House of

Representatives. It did not pass the Senate.

So, fortunately we were able to deep-six the freeze resolution. We got on with the actual deployment. We deployed Pershing II's. We deployed the ground launch cruise missiles in Britain, Italy, the Netherlands, Belgium, and then we got from the deployment aspect to: What was our strategy and thinking as far as what should we have in an INF Treaty?

We said we would like the Soviets to take these SS-20's out. But, if they did not, we would go ahead and deploy the P-II's and GLCM's. There were strong military reasons for deploying these missiles. They were much more difficult to find and target than NATO's dual-capable aircraft. They also were much more capable: In the case of the P-II's, they could take out key command centers in the Soviet Union in a matter of minutes.

Then, right after the deployment began we started hearing the criticism from many of the people, I think, that were also the strong freeze supporters saying: You know, you are just not going to get the Soviets to accept this zero-zero option. As a matter of fact, many in our own Government, I think, at the lower levels of political appointees, said you know, we are going to have to change our position. The Soviets will not buy the zero-zero option.

All of a sudden even supporters of deployment were saying: "Gee, well, you know, we have got this position. It seems to be a logical position. It is one that we support. We have gone through it, but if they do not take it, so what. We have got a position, a zero-zero position that is better than the freeze." So we got into this political debate on what we should do for political reasons.

Our military strategy had been thought out. But, gee, politically zero-zero sounded a lot better than freeze.

It certainly does. But I believe that this was the fatal flaw of our strategy that we subordinated what made sense to what seemed politically clever. And we ought to understand this about the process.

Certainly, in this case we went through the struggle and the political uncertainty and the criticism and it resolved much to the credit of the alliance. I think it was one of the fundamental changes, perhaps, in history and one of the lessons I think that are most important in U.S. and Soviet relations; because the Soviets did not think that we could do it. They did not think that we could, as Western civilized democracies, with the freedom of election, that we could withstand the political onslaught of the constituency.

They underestimated our constituency, because our constituency, even though it may not be something that you would want to talk about, our constituency, whether it is the American constituency or the constituency in

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Western Europe, will do what they think is in their national security interests.

Time and time again, they rise above politics and do what is right from a national security point of view.

So we had this deployment and we heard the carping from those that did not want it. Those supporting the freeze were now criticizing zero-zero as being unrealistic. The fundamental flaw is that we continued to maintain the zero-zero option as policy as what we were willing to accept even after we went through deployment.

In other words, we would go through all of this and deploy, put in missiles that were far more militarily significant than the nuclear weapons that we had there before, and they say that we would be willing to take them out.

I think that Margaret Thatcher and others are absolutely right, and hindsight is always better than foresight, but we ought to know and we ought to learn something about this; that it would have been far better from a military point of view and, I dare say, a political point of view, to have reduced our INF missiles to equal numbers.

That is, I believe, the classic error that was made. I believe that many of my dear friends were lulled somewhat into a false sense of security; that they were looking at the people who were criticizing them and said, "Well, if they are going to criticize this as being unrealistic, perhaps the Soviets might think it is unrealistic, and if nothing happens, I am not going to lose any sleep."

The question is, and it never was addressed, should we continue to maintain the zero-zero option, notwithstanding the criticism? I look back in time and I think, quite frankly, that the so-called walk in the woods, which Ambassador Nitze was criticized for, for talking about it, if my memory is correct, would have been preferable to this.

We got on to the political gyroscope, I am fearful, and that is what happens sometimes in this process because politics can overtake what maybe we should be doing in our national security interests. We get caught up when we start figuring out who our friends are, who our enemies are, and we say, "Well, now, let's just see where we ought to be positioned politically."

That is no way to move the Nation forward, particularly in a very important arms control process.

I hope when history is recorded that, in fact, the U.S. and NATO made major gains from 1979 through 1983. The Soviets just guessed wrong, NATO showed more political resolve and deployed INF. I say that event, plus probably Grenada, has more to do with the improved relationship between the United States and the Soviet Union and moving into more of an accommodation than any other two events in the Reagan administration.

Those two events showed the Soviet Union and showed the world that Western political will can be mobilized when our national interests are put on the line. It made the Soviets think differently.

We are now in a new era. Gorbachev is new. I do not think the system itself has changed, but we will see who is right on that.

The most troubling aspect to me is that as we get caught up in this climate of zero-zero, and double-zero, how do you avoid that so-called triple-zero? The triple-zero is something I hope we will discuss somehow in the Resolution of Ratification to show we reject it.

Certainly, I like to see a world without nuclear weapons. You bet. But it is impossible. It is absolutely impossible. It certainly is impossible in my lifetime.

And nuclear weapons have helped keep the peace; they have brought stability.

That's one of the reasons why we need to be careful in our further negotiations to eliminate them. We need to know what we did in INF and make sure we learn the right lessons.

Mr. President, let me summarize some things that I believe were the constructive parts of this treaty.

First, I think that the Treaty's asymmetrical reductions clearly are a positive development. It is very important when we get into conventional arms control. The fact that the Soviet Union was willing to give up more than the United States is important because it establishes a precedent. It is a very important precedent, particularly as we go down a far more complicated road of conventional arms control where, according to a recent Rand study, reductions would have to be not three-to-one, but more like six or more to one to produce rough parity. We have established this precedent.

Mr. President, we have taken the admonishment of our beloved colleague, Senator Scoop Jackson, and have gone one step further. The Jackson amendment, which was passed after the SALT I and the ABM debate, established that the United States of America shall not agree, to unequal limits in any future arms control agreement.

Double zero was equal. The Jackson amendment, which I have cited on this floor many times, played a very important role in this.

I think the asymmetrical reduction is very important: The cohesiveness, the idea of sticking together, the investment in national defense, the idea that you had to build up in order to build down; that you had to make that commitment in investment in order to get the results that you wanted.

Another sound aspect of our INF Treaty negotiations was that we not only consulted with the allies of the West, but with Japan about preventing the Soviets from simply taking those SS-20's deployed in Eastern

Europe and putting them near Japan. We took their concerns into account.

The treaty also provides for onsite inspection, Mr. President. It is a positive development. I actually think this onsite inspection is not anything that is going to give us a lot of confidence in verification, but it is a helpful development because we need it.

If we are going to start to ask for verification of warheads, verification of range, verification of megatonnage, and verification of things of that sort, other than just launchers, we are going to have to have onsite inspection. It is going to have to work.

I think the latest flap over INF Treaty verification procedures is probably somewhat instructive of the difficulties the two nations may have in working out this inspection program. But we will see and we will monitor closely.

The treaty also encouraged a serious debate in the Armed Services Committee, and I am sure the Foreign Relations Committee did as well, on NATO security. We went back and examined the doctrine of flexible response. From 1967, this Nation moved from the doctrine of massive retaliation to the doctrine of flexible response.

The doctrine of flexible response says that we will have forward defenses, which we do, in fact, have. If forward defenses failed, we would have deliberate escalation. If deliberate escalation failed, then we would have a general nuclear response. The treaty's consideration encourages our commitment to this doctrine.

I believe this has been very positive.

Another positive development is we are now hearing Margaret Thatcher, Francois Mitterrand, and other leaders in Western Europe begin to talk about the importance of having, as Margaret Thatcher says, a war-free Europe; that we have to have a nuclear deterrent as well as building up our conventional forces, that we as well as Western Europe are going to have to spend a lot more of our energies on the conventional forces because that is where the imbalance is.

That is music to my ears. Now we will see if we do it. But that is a very positive development where in fact you have the leadership of Europe beginning to say we have to do more for defense. It is their defense as well as ours. Somehow I get the feeling that it is just our defense, our national security interests. I am proud of the fact that we are still considered to be the No. 1 power in the world, particularly the No. 1 power in the Western World, that we have that leadership and along with that leadership we have responsibilities, but this is a global economy with global responsibilities, and I am delighted to see it. If it is the result of the INF Treaty that Europe does more on defense, history will show that this treaty, contrary to some of the criticism, it receives today and perhaps tomorrow, contrary to

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that criticism, it will go down in history as a very positive, very beneficial development.

If that is the result, you are going to get a stronger, more determined, more cohesive Europe that is going to invest in defense, be willing to take care of itself as it has grown from World War II. We have helped them with the Marshall plan and we have been over there with some 325,000 troops. If they are willing and will do more because of this INF Treaty, history will hail this as a tremendous success. I am not sure that is going to be the result but we will not know. So I think as you look there are some very positive aspects to the treaty.

Now, Mr. President, let me review what I consider to be the other side of the treaty. I do not want to say the good and the bad but that is the way it is phrased, the good, bad, and the ugly. Let us look at the things that certainly bother me and I think the Senate ought to be forewarned about.

The INF Treaty stands for Intermediate Nuclear Forces. I would imagine if you went to the Rotary Club in Dallas or my Rotary Club in Huntington and asked what we are eliminating with this treaty, the sophisticated answer might be SS-20's and SS-4's and SS-5's, at least SS-20's, Pershing II's. A little less sophisticated answer may be, "Well, we are getting rid of nuclear weapons." I would say the less sophisticated answer is the one generally thought of, that this is what the treaty is in effect getting rid of. And we have heard testimony and we have heard statements and we have heard debate on this floor that this is a historic treaty because we are getting rid of an entire class of nuclear weapons, so most people think that this treaty is eradicating, getting rid of nuclear weapons.

It is, but it is doing a lot more than that. This treaty, in fact, bans deployment of conventional weapons—conventional cruise missiles and exotic INF cruise or ballistic missiles that have been designed to damage or destroy their targets. Conventional arms control is already here. I guess we have thought about conventional arms control. We have talked about it. But we sure have not done much about it. We have not put it on the front burner. I think it ought to be on the front burner because that is where the problem is. The problem is not a strategic imbalance. The problem is not an INF imbalance. The problem is that we have a conventional imbalance, and that is what we ought to be focusing on.

This treaty does ban conventional arms, and yet if you asked the Secretary of Defense today or the Secretary of State and the President, or the head of any European government, what is in fact our plan for conventional arms control, with any kind of specifics, there is no answer. More important, conventional cruise missiles are advanced technology, and I can

tell you—I do not know how many times I have heard this—people say that one of the advantages of the United States of America vis-a-vis the Soviet Union and others is that we are ahead in this technology.

Well, we may have this technological advantage but it is not deployed. And now here we are willing to go ahead and ban something that we have asserted is to our advantage. To those who want to see a further reduction in nuclear weapons, I can tell you one of the most promising nonnuclear weapons is the conventional cruise missile. The conventional cruise missile can do a lot of things, particularly if you get additional range and get accuracy. It fits our strategy of FOFA, follow-on force attack. That is the NATO strategy if, in fact, conflict breaks out in Western Europe. The follow-on force attack talks about striking deep behind the enemy lines and concentrating firepower, knocking out railroads, affording cross corps fire support, knocking out bridges, knocking out fixed targets and, believe me, the planes are not going to be able to get there. Cruise missiles, conventional cruise missiles are perfectly suited to this mission and would raise the nuclear threshold. Yet, we are banning the ground-launched versions in INF.

(Mr. FOWLER assumed the chair.)

It is very interesting, Mr. President, why we are banning these cruise missiles. There has been a lot of testimony on this. The reason we are banning these conventional cruise missiles is that it was said in the discussions that it was difficult to verify the difference between a nuclear cruise missile and a conventional cruise missile.

I can see that with respect to a missile itself, just looking at it, from technical means. Screw on a conventional warhead or a nuclear warhead—just look at that as a picture, and it is very difficult to verify. But it is not that difficult to verify. The military handles these nuclear warheads a lot different from the way they handle conventional warheads for safety purposes. It is difficult, though not impossible to determine which missiles have associated nuclear support facilities near them.

You could have some degree of confidence in verification. You would not have 100 percent. But what is of interest is that we have said we are going to ban the conventional cruise missile because we cannot distinguish it from nuclear cruise missiles. But—listen to this, and listen very closely—we are told that we can verify a weapon delivery vehicle that is designed to damage or destroy its target. If it damages the target, it is banned. If it only temporarily disables the target and the target does not need repair, it is not banned. If you use a blinder and you dazzle an optical sight for a period of time but you do not have to get the sight repaired, that blinder is not banned. But if the sight needs a

repair, it is banned, because that is what we define as damage.

You may have what is a laser target designator used to designate targets, not designed to destroy a target or damage it. That is allowed, even though it could probably still have the capacity to damage an infrared optical sight. Or you might have a high power microwave emitter that was designed to jam or disrupt radars, avionics computers, command and control antenna, or other military computers. It would be allowed even though it might also still have, the capacity under some circumstances to damage these targets' circuits.

In each case you have to fall back and say, "Was it designed to damage?" So you have to verify design. You have to verify intent. Are you going to tell me that it is easier to verify design or verify intent than it is to verify whether a warhead is nuclear or conventional? I doubt it. Yet, because of verification, it was decided to ban the conventional cruise missile, which led, in turn, to banning these nonwarheaded systems.

Certainly, we can verify if an American system is designed to damage and destroy. But how are we going to verify intent or design of a Soviet system?

Of course the answer to all this is that there is not a military requirement for the conventional ground-launched cruise missile.

When I was first told about this, I called up General Galvin, the Supreme Commander of NATO, and asked him if he had a requirement for a ground-based conventional cruise missile of an INF range.

He said, "No, I don't have one now"—this was before the decision was made—"but we are about 90 percent there, and in fact ground-launched cruise missiles are something that I think we will need in the future."

What is of interest is that I think I was perhaps the first one to call and to contact General Galvin on this issue. Nobody on the Joint Chiefs of Staff had asked him. Nobody that I know of in the Defense Department had called him up or at a political level had asked him. They just casually asserted that we had no military requirement.

I have to say right now that even though we have been told that the conventional air-launched cruise missile and the conventional sea-launched cruise missile will not be compromised in START—I do not believe there are formal requirements for those yet either. There is a temporary requirement for the Navy. There is a statement of need for the Air Force, but no formal requirement.

They say: "Don't worry, we're going to use conventional air- and sea-launched cruise missiles." Yet, there is no requirement there, either. So, who are they kidding? Yet, look at what potentially they may have.

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It is not technically a formal requirement. But, according to a DIA, Rand and the Commission on Long-Range Integrated Strategy we will need 10,000 to 20,000 conventional cruise missiles for NATO.

Do you know what the official answer is here? Even if we have to have 10,000 to 20,000 nonconventional cruise missiles, we will put them all on planes or ships. Twenty-thousand cruise missiles on planes and ships. Where are they going to put them? That is almost absurd on its face.

Of course, we need conventional INF-range ground-launched cruise missiles. We need the flexibility of being able to reload them quickly. We need to have launchers that are not tied to vulnerable planes and air bases or distant ships. Now they are banned.

Mr. President, as we discussed the banning of the conventional cruise missile, though, we did not stop here, at just banning what was commonly understood in the committees—that a conventional cruise missile was one that had a conventional warhead or a chemical warhead. We went further to include nonwarheaded systems.

This became clear when I tried, in the Senate Armed Services Committee to try to ascertain what was meant by "weapons delivery vehicle."

When I first raised this question, the response came back to me, "We could not give you an authoritative response at this moment because we were trying to define in the Senate Armed Services Committee what a weapon delivery vehicle was, in other words, what is a weapon?" And at least it was commonly understood by many a weapon was probably a warhead.

If you want to go on in the Senate Armed Services Committee report, I think after the hearing the first report talked about something that would destroy a target, not damage but destroy a target.

Even though there was no way to give an authoritative definition of what a weapon was at this time, within 48 hours there was a definition of what a weapon was. They basically came back and said that a weapon is commonly understood to be—we now have definition—a mechanism or device and they added the word "warhead designed to damage or destroy a target." That is commonly understood.

Where did you get that definition? "Do not worry about where we got the definition. It is just commonly understood that is the definition of weapon. We meant it all along."

That is interesting. It is commonly understood.

I went and tried to find out what the Joint Chiefs of Staff "Dictionary on Military and Associated Terms" said about the definition of weapon that is commonly understood. There is no definition, interestingly, of weapon. It does have a definition of warhead. It says, "It is that part of a missile, projectile, torpedo, rocket, or other munition which contains either a nuclear or

thermonuclear system, high explosive system, chemical or biological agent or inert material intended to inflict damage."

So I decided to check the "Soviet Dictionary of Military Terms" for what a weapon is. It is interesting.

Page 286 defines weapon. "The total sum of systems of destruction, used in armed conflict for the destruction of personnel, equipment, and buildings and structures of the enemy."

That is the Soviet Dictionary of Military Terms' definition of weapon.

Now there is the Soviet Military Encyclopedia's definition of weapon. "Military devices and means utilized in armed conflict by striking by physical action and firepower that bring the destruction of the enemy."

There is no definition of damage but it was commonly understood—commonly understood.

Just reading Webster's definition of weapon—I do not want to bring Webster in here but let us bring him in for a matter of record—an instrument of offensive or defense combat, something as a club, sword, gun, or grenade, used in destroying or defeating or physically injuring an enemy."

So as to this commonly understood definition of weapon, you just cannot find it. You just simply cannot find it. They made it up.

As far as I am concerned, it was a definition that they first stumbled into when they tried to answer my questions.

Now that they have made it up, we have now gotten the Soviets to sign off on this definition of weapon delivery vehicle.

I had a difficult time getting that commonly understood. Because it is commonly understood by a number of Senators that that was not what we were talking about. But now it is because we have it taken care of with the Soviets.

I remember, I even wrote former Secretary of Defense Weinberger and former Director Adelman, and asked them, "Did you ever discuss futuristics in the administration?" The answer came back from both. Secretary of Defense Weinberger said, "No, I didn't discuss it. If I did I would have been absolutely opposed to it." Ken Adelman said, "No, we didn't discuss it," but he said, "It should have been discussed and we ought to get the Soviets to agree on a definition."

They have two different approaches, but they agreed on the bottom line. They agreed on the bottom line that it was never discussed.

So they created this definition.

I asked. I said I was trying to get it. Was there any discussion at all in the administration? One time when I asked this question if futuristics were ever discussed in the administration, one of our senior military people tried to imply that he could not answer that question because of executive privilege.

I pointed out—I said, "You know you can go ahead and raise the executive privilege if there was something you discussed, and I am a strong defender of it, but you cannot raise the executive privilege if there is nothing to hide. You cannot raise executive privilege if there was nothing that was ever discussed."

So he decided to answer the question directly and admitted that, no, they never discussed it. I mean to tell you it was difficult to get them to admit that.

They never discussed it. Yet it was commonly understood.

The dictionary does not define it that way. The military Soviet dictionary does not define it that way. The JCS military dictionary does not even have the definition of weapon. But it is commonly understood. If this is not a lesson in the absurdity of the process we are going through, I do not know what it is.

But it was commonly understood and then we got a letter—remember the letter from Shevardnadze that was supposed to prove it was commonly understood? We sent over oral communication. He sent back "Yes, we understand that it means warhead." Warhead. Weapon means warhead however equipped according to the first Soviet translation; however armed according to the second United States State Department translation.

We are dealing with something that is commonly understood. The Foreign Minister of the Soviet Union gives us a different definition. The State Department's article-by-article analysis which is supposed to have been authoritative said "warhead or simulation thereof."

So we had this definition of warhead as being a weapon. I understood that. I think many in the Senate understood that. It was what we were talking about. It was commonly understood until we got this new definition.

It was just created. They created a new definition. It just shows you can bring up a question, you bring up a question in this process about any kind of system, whether it is nuclear or nonnuclear, and in this case happens to be nonnuclear conventional things that we really need; bring up the question and, by golly, the process will try to ban it not whether it is in our interest or not, whether we discuss it or not discuss it. You bring it up, we will ban it, like chopping off heads—just ban it. And that is where we have gotten ourselves.

This is a very interesting discussion, Mr. President. We were discussing the commonly understood definition of "weapon."

This definition of "weapon," I am convinced, trying to figure out its history, was just simply made up. As we went beyond the conventional cruise missile, which was commonly understood to be a conventional warhead, a chemical warhead, nonnuclear war-

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head, we went into so-called futures, conventional weapons that I think are going to be very, very important.

Let us look at this future technology that we are going to be banning by this treaty. As I said, this is really a conventional arms control treaty. This is not a nuclear arms control treaty. As a matter of fact, we will be in the future banning potential deployment of conventional weapons much more than nuclear weapons because we never had any plans to deploy that many nuclear weapons. We are going to have a certain number, and call it quits, to provide for the nuclear deterrent. It takes a lot of conventional forces to try to restore that conventional balance, a lot of weapons, and we are simply banning them by this treaty and coming up with this new definition which has now been agreed to. The Senator from Indiana is not going to try to undo that definition. I do not have the votes to do it anyway. I will be supporting Senator HELMS to try to say let us talk about nuclear, but I am not going to argue on this definition.

Mr. WIRTH assumed the chair.

Mr. QUAYLE. Mr. President, I want the Senate to know what the importance is of some of this future technology.

First—and here we go again—the United States of America should be proud of our private sector and the free enterprise system's ability to stay technologically ahead in some of the future weapons, whether it be high-powered microwaves or lasers, getting better missile accuracies, extending cruise missiles' range, or doing things with unmanned missiles rather than having to rely on planes. Yet we are going to go along with this ban even though it is in our interest to keep these options open.

Conventional weapons can be used, particularly cruise missiles, to suppress air defense targets and other radar networks and to disrupt Warsaw Pact command and control.

Also, you have to understand that if you get the accuracy down to zero, we can take a nonnuclear conventional cruise missile and destroy the target conventionally—the best example is that you can hit Qadhafi's tent with this—if you do that, think of the targets you can hit in Western Europe.

Mr. President, the Senate Armed Services Committee has been very active in establishing the balanced technology initiative, commonly referred to as BTI. There has been strong bipartisan support of the balanced technology initiative, which promotes future weapons, promotes future technology. As a matter of fact, it promotes technology that does not necessarily have a lot of constituency interest because it is in research and development.

The reason for establishing the balanced technology initiative was "to improve the fighting power and survivability of the combat forces of the

United States and to raise the threshold for nuclear war."

This is theater conventional application to improve the fighting power and survivability of combat forces of the United States and to raise—this is what BTI and futuristic weapons will do—raise the threshold of nuclear war.

What we want to do is to prevent any kind of nuclear conflict. God help us all if that would ever happen. I do not think it will. If we do the right thing, it will not.

Conventional weapons will help raise the threshold for nuclear war. Yet, we are giving away some of our most promising options banning them.

That is the Balanced Technology Initiative which the Senate Armed Services Committee created, pushed on this floor, with strong bipartisan support. Yet, many of the things that would have application here potentially would be banned by this treaty.

We have heard the debate about that conventional imbalance; and the thing that simply does not quite come together is that we really do not have the specifics of what kind of conventional arms control strategy we want to pursue. Since we do not have those specifics, why are we willing to simply ban many of the conventional future applications here in this treaty?

I see my senior colleague on the floor, who can be helpful in this, working with us to make sure that we have a very good discussion at some time on what we consider to be a nonweapon delivery vehicle—in other words, what we think is a nonweapon delivery vehicle.

I have tried to look at this very hard, on things that would not be considered a weapon, even with the definition of "designed to damage and destroy." I do not like that definition; I think it was concocted; but we will live with the definition. The United States and the Soviet Union have agreed to that definition, and legally it is part of the treaty.

Now, the challenge is to make sure that we have an idea of some examples of what is in fact a nonweapon, a non-delivery weapon. Let me go through a few of them. It is not an all-inclusive list.

Certainly, nonweapons devices that do not damage or destroy, would include the following:

High-powered microwave devices mounted on INF-range ground-launched cruise or ballistic missiles designed to disarm or incapacitate but not damage enemy troops or assets.

Laser devices on INF-range ground-launched cruise or ballistic missiles designed to dazzle, disrupt, or interfere with enemy night sights or human vision.

Radio frequency emitters on INF-range ground-launched cruise or ballistic missiles designed to set off missiles, artillery shells or any other weapons' proximity fuses well before these weapons ever get to their intended target.

Jammers capable of disrupting enemy avionics, C3I systems, or computers causing them to malfunction.

Hypersonic boost glide vehicles, which are unlike INF-defined ballistic missiles since they are not ballistic over most of their flight path and which are unlike INF-defined cruise missiles since they are not self-propelled but instead are only boosted.

Electro-thermal propelled artillery projectiles of INF range.

Directed energy weapons of INF range that are not mounted on ground-launched cruise missiles.

These are some of the promising futuristic technology items that, even with the definition of damage and destroy, would be classified as a non-weapon delivery vehicle and we would be allowed to deploy if we want to. This list comes from my own research of the record, looking at it very carefully. I believe I have stated it clearly, and I do not think we should have any objection to what I have just listed.

Mr. President, let us also understand that this idea of banning the conventional cruise missile was an idea that would in fact be helpful to the Soviet Union and, as I have pointed out, for military reasons, but not helpful to the United States. I think we have an edge in technology. I think it was a mistake. I think we are going down the wrong route if we are going to ban conventional weapons.

Recently, the Secretary of Defense, Frank Carlucci, appeared on the "David Brinkley Show" and said this is a Presidential decision. This was not a decision taken lightly. In the course of trying to make this a Presidential decision, I am certain that it was an issue that was considered to be a very strong position of the Soviet Union.

Perhaps even enough that some suggested it might have even been a treaty buster. If we do not accept what the Soviets are pushing, this could possibly have the magnitude if we could not go along with banning the cruise missile, being a treaty buster.

I do not know. When we get into these things, you do not know exactly what people across the table are thinking. It was certainly in that connection that this Presidential decision was made.

Mr. President, I want to shift my remarks to the whole verification issue and look at some of the verification problems that I think we are going to have. I do not buy the idea that we have a great deal of confidence that we can verify this treaty. Does that make the treaty fatally flawed? No. I think we have probably done as well as we can given what we are working with trying to verify it.

You simply are not going to have a great deal of confidence in verifying this treaty. Anybody who says we have a great deal of confidence verifying this treaty is simply in my judgment not speaking from the facts.

Certainly, to be able to verify the intent of the Soviet Union, to verify if a system was designed not to damage but could damage, is beyond our capabilities.

I know the Senator from Wyoming is on the floor. He is an expert in these areas. There is no way in the world you are going to be able to verify intent of the Soviet Union. It is impossible. You cannot do it. That is one of the real paradoxes in this treaty because the conventional cruise missile was given up and banned because of verification. It was because of verification that we had to ban the conventional cruise missile, and now because of it we are going to have to verify the intent of the Soviet Union whether a weapon system is designed to damage or destroy.

Mr. WALLOP. Mr. President, will the Senator yield for a question?

Mr. QUAYLE. I am glad to yield to my friend from Wyoming.

Mr. WALLOP. This, I assume, comes from the discussion of the variety of definitions which constitute the common understanding. I agree with the Senator's earlier statement that there are at least four separate views of what constitutes common understanding that have been returned to us in formal testimony.

But the point that the Senator is making is, I think, one that I hope the Senate hears because in the hearing it was stated—and this is my question—that if the purpose of a drone or other kind of machinery of war was surveillance or jamming and permitted, that even though its capability was to be destructive, it would be permitted because its stated purpose would be surveillance or jamming.

So notwithstanding the fact that in the course of exercising this surveillance or jamming its technology could blind, confuse, dazzle, disorganize, put out of commission, the radars or optical sights, for example, it still would be permitted if on the statement of the Soviet Union its purpose was surveillance or jamming.

Is that the recollection essentially?

Mr. QUAYLE. The issue comes down to this: If in fact you have a drone or a reconnaissance drone and if they say that was simply designed to be a reconnaissance drone but it also would have the capability to, say, knock out something, if it was tested like that, assuming we saw the test and it looked like it could damage a target, it would probably be out. But, in fact, if they just test it under 500 kilometers or another way and say, well, this is a new missile just designed for nonweapons purposes, we would have to permit it.

Another example and one that did come up was if you had a laser target designator and you said that this was to designate targets by a laser so other weapons could come in and deliver the kill. Would that be banned? The answer came back, no, that that necessarily would not be banned because a target designator would be OK. But

what if that target designator, that laser, would also have the power, if it was put on, say, a tank optical night sight to get in there to do some damage by accident, at least that would cause repair and they say, "Well, whoops, that was not designed for that purpose." It may have the capacity, but then you get in and you have to verify design and intent.

As I said, it is impossible. It just cannot be done.

Mr. WALLOP. Therein comes the problem that arises with arms control agreements between free societies where such things as this are openly debated and closed societies, such as the Soviet Union, in which they are not publicly debated, but within the closely held circles of the military.

How is it going to be possible for any system authorized to the Soviet Union to be authorized where we were to express the desire for the same capability on this floor and somebody could make the slightest case that this laser illuminator blistered paint that becomes damaged let alone what other things it might be going to do.

The inequity of the arms control process between closed and open societies is what you are pointing out, the verification of intent. Our intent is sometimes exceeded by our exuberance over the possibilities that can be imagined. Their intent is wholly hidden from the world. Therein lies inequity.

I compliment the Senator for bringing it up.

Mr. QUAYLE. Can you not imagine this: Let us say we come up and just take the target designator. Say we designed this to designate targets. Can you not imagine some future perhaps Senator or Congressman who does not want to see that deployed saying, "That may be our stated intent but you know what, I do not know if I trust those people over there in the Department of Defense, that they say this thing is designed as a laser target designator, but we really know it has the capacity to damage." We are going to get ourselves in a situation which I have said before that the Congress of the United States holds us in higher compliance requirement than does the Soviet Union and we will simply be bogged down in minutia not by the Soviets but by our own selves by coming up with these concocted definitions to be played out in the future.

Mr. WALLOP. I would say to my friend that not only does the Congress hold us to a higher performance and compliance standard than it does the Soviet Union but it also holds us to a higher compliance standard than does the body in the text of the treaty.

Mr. QUAYLE. I think that the statement is well taken, and I think it shows part of the problem. But you cannot verify this.

There are a number of other things that you simply are not going to be able to verify. Cruise missiles that go beyond 500 kilometers between 500

and 5,500 kilometers are banned if they are weapon delivery systems. Everyone knows that in some cases we have never tested our cruise missile at full range. The definition in the treaty to find out what the range of a cruise missile is it uses the word, "fuel exhaustion."

I can tell you that you can test a cruise missile at 440 kilometers and you can sit there and have confidence that that cruise missile did what it wants to do at 800 or 900 or 1,000 kilometers and you can have the confidence to do that. You may have tested it below the 500 but you have the confidence to do that.

How are you going to verify fuel exhaustion? How are you going to get inside there? Do you think you are going to be taking those missiles and testing them? No. You simply cannot verify that.

It is the same way with a ballistic missile. It is not quite as much problem with a ballistic missile as it is with a cruise missile. A ballistic missile has the same INF restrictions. It cannot be deployed if it goes between the 500 and 5,500 kilometers. A ballistic missile tested at 450 kilometers you can have confidence up to 600 or 700 kilometers that it hit there and it is very easy to get even farther.

Let me give you a recent example, Mr. President. Iraq recently fired a SCUD missile that hit Tehran. It was a ballistic missile. When that ballistic missile was transferred—supposedly it was only at the range of 300 kilometers—with very, very little changes, very subtle changes, all of a sudden we have gotten from 300 kilometers up to 600 kilometers. You have taken something the Iraqis tell you—not to disparage the Iraqis but they do not have a lot of engineers and spend a lot of time on how to get ballistic missiles from 300 kilometers to 600 kilometers, but it went from INF allowed to INF prohibited. It shows you how easy it is to violate. And you simply cannot tell whether in fact they are violating.

They can deploy ballistic missiles at 450 kilometers and you can have confidence it is going to go beyond.

Mr. WALLOP. Will the Senator also respond to this question. Were one to test a ground-launched cruise missile with a range of 5,600 kilometers, would that missile then be acceptable under the terms of the treaty?

Mr. QUAYLE. If we tested beyond the 5,500 kilometers, it is not INF and you could deploy it.

Mr. WALLOP. Is there anything to tell that missile that it need not try to figure out how to stop somewhere on the way at some later date? You tested at 400, you tested at 5,600 kilometers and it is wholly permitted, is that correct?

Mr. QUAYLE. Yes. We have to take the good word of the Soviet Union that they did not design this missile or intend this missile to go within the 500 to 5,500 kilometers. I mean, there is a

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lot of good faith in this treaty. If you want to believe and put a lot of good faith and say, boy—like a good common understanding—we really have to have a lot of faith they are going to live up to this. I think when they decide that they want to violate this treaty and it will be in their interest to violate this treaty, they are going to do it. I am not so sure when that time will come, and it may be a while. They are not going to violate it just to violate it. They are going to violate it when it is in their interest.

We have the definition of damage and destroy. You have the definition of what is a mechanism or device. You have also in this treaty what I think are some asymmetries as far as what is required of us and what is required of the Soviet Union, particularly in the Memorandum of Understanding as we begin the implementation of this treaty.

One of the problems and the differences in this treaty—and I want now to name just three of them—one of them deals with launchers. One of them deals with the on-site inspection at Votkinsk. The other deals with the data.

Now, let us address the launcher issue. Under the terms of the treaty, the United States destroys its launcher by cutting it in half. The Soviet Union basically is allowed to keep their launcher. They are allowed to keep their launcher. They have to cut a little bit off of the erector part of the truck, but they keep the launcher itself.

Now, they have stated that they want to design this or take this for transporting a lot of pipe around the country. I guess they must have a lot of pipe or think they are going to have a lot of pipe. But that is an asymmetry that should not exist. When we see a transporter from our satellites, we must simply hope it isn't a new missile launcher. We won't know.

If you are going to destroy all INF weapons to make verification easier, destroy all of them.

But we didn't.

Another asymmetry is where we have portal monitoring which has been played up as a big deal. I think it is a big deal we have onsite inspections. But I do not think that this onsite inspection is going to give us the confidence of verification.

At Votkinsk, which is to be where we have the portal monitoring, where we, in fact, are going to have the onsite inspection, where we, in fact, are going to have the onsite inspection, stop trucks going in and out, that is not a production facility. It is an assembly facility.

Yet, in Magna, UT, which is where the Soviets will have the porthole monitoring and be able to have the onsite inspection, that plant in Utah is not only an assembly plant, it is a production plant. The defense industry in the United States is different from the Soviet Union, we have integrated

plants where we do both the production and the assembly. That is another asymmetry in this treaty.

Finally, the one that really is going to be interesting to see how it plays out is the issue of the missile data we have. Many people may be under the impression that we already have in our hands the military data on saying where the SS-20, SS-4, SS-5, and the SSCX-4's are, the numbers which have already been disputed and that we have that information and we are going to use that information for compliance purposes of this treaty. That is wrong.

Do you know when we get that information? We get that information 30 days after the treaty goes into force. I can guarantee you that the data that we will be giving the Soviet Union will be exact, precise, and on point. I am not convinced that the data we are going to get 30 days after this treaty goes into effect is going to be exact, precise, and on point.

We have already had a big dispute on the data. This is another asymmetry and verification concern in the treaty.

So this idea that we can, in fact, verify this treaty with a great deal of confidence is simply not sound.

Mr. WALLOP. Will the Senator yield?

Mr. QUAYLE. Yes.

Mr. WALLOP. I think it is wise to point out in that instance that the Senator has just spoken about, that the data that we get 30 days after the treaty enters into force is unchallengeable. It is the data that we are given. And whatever we may think of it, it is too late then to make comment because it is the data that binds the treaty. And so whatever the Soviets give us is what we have to accept.

Mr. QUAYLE. I thank the Senator for that addition. He is absolutely correct. We cannot challenge it. We have to accept it.

Good faith. It is like, they are like us. We sit down and negotiate. Just like you and I sit across a table and negotiate and get an agreement.

I do not think that is the case, but we will see. We will see what that memorandum of understanding on the final data will actually be.

But, Mr. President, let me speak just briefly about some of the costs associated with this verification that we are not going to even have the confidence to verify anyway. You are talking about billions and billions of dollars of additional costs.

And then, what is of interest, after we are going to spend this money—which I think we have to have better national technical means so we can call it to our attention—but what is of interest, after we spend all this money for verification purposes, which we need to be able to say when we go to our constituencies, "we can verify this treaty," but you cannot verify this treaty. You simply cannot.

We spend this money. Then let us say the—the Senator from Wyoming has been very diligent on this point—let us say all of a sudden by good luck we find through national technical means a violation. Then what? Then what? Nothing. No response.

What has the response of the violation of the ABM Treaty been? A more narrow interpretation than the treaty provides. Some response.

So we will spend this money. We will be well informed—maybe. But then we will not be willing to do anything.

Mr. SYMMS. Will the Senator yield for a question?

Mr. QUAYLE. I am glad to yield.

Mr. SYMMS. First, I want to compliment the Senator on his presentation. I think he is adding a great deal to the depth and understanding of what we are getting into in this debate.

But, if, in fact, we spend all this money on verification, what is the United States of America saying to the Soviet Union by signing and ratifying another agreement with them when they have a list of numerous violations that they are out of compliance with? We have done nothing to get them back into compliance. If we go ahead and ratify this treaty short of amending the text of the treaty that they must get into compliance on the other treaties, then what difference does it make whether they cheat on this treaty, as they have the others, or not, because are we not just a paper tiger?

Mr. QUAYLE. I am sure that some would say, in response to that, that you have a new Soviet Union; it is a new day; a new era.

Past compliance, yes, that is an issue. The Senator is absolutely on point. They have violated past arms control treaties. I do not know of an arms control agreement they have actually complied with. There may be one, but I am not sure of one.

If our past record is any indication, they know full well that they can violate this and the response will be silence.

Mr. SYMMS. On the Senator's point on verification, though, if we, in fact, required them to get into compliance on other treaties before this treaty went into effect, would that not be a reasonable, rational position for the United States to take, even if it meant that they had to sit back down and renegotiate that they agreed to this?

Mr. QUAYLE. Well—

Mr. SYMMS. Then it might be that it would be the new Soviet Union, if they agreed to it and they got back in compliance.

Mr. QUAYLE. Well, I share the Senator's concern, and it is a rather intriguing ploy, I might say, if we say you are going to have to get in compliance to ratify this.

Unfortunately, we are beyond that. We are beyond that because we are not going to renegotiate this treaty. It is eventually going to be ratified one

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way or another. Sometime soon. Maybe sooner rather than later.

But what we should have done—now is not the time. We talk about and say maybe in the future we ought to do it. But what we should have done is during the negotiations that we should have had other things on the agenda with the Soviet Union, rather than just the arms control agenda.

Where was the compliance agenda? Would that not have been a good position to take, before you enter into a treaty, that you want compliance with other treaties?

For the Senate now to force the President to not let this go forward or renegotiate it, I share the concerns but I do not think it would be a very worthwhile effort.

Mr. SYMMS. Would the Senator yield for another question?

Mr. QUAYLE. I will be glad to.

Mr. SYMMS. I just want to make a point here. This is from one of the national pollsters. They have taken a poll on this very question. This is what the people that work for wages and pay the taxes in this country and support our national defense believe. They believe, a majority of the public believes President Reagan should certify the Soviet Union is adhering to all past arms control treaties before this treaty can take effect, even if that requirement would kill the agreement.

That is what the American people think. It is 70 percent of them who think that.

That is very interesting. This Senate is going to have the opportunity, this Senator might say, to vote that issue. They can make very excuse they want to, but then they can go back home and tell the American people that they voted to not make the Soviets comply with their past arms control violations, to go into the treaty. I would say that if, in fact, this Senate does not fix this treaty in this flawed area—the Senator said it is flawed, poorly negotiated; that is really what your speech said—by the administration, if we do not fix it, then we are not living up to our constitutional responsibilities. As far as I am concerned, that is why I am here. I think that is why other Senators are here. They take their job very seriously, and I believe the Senate ought to amend this treaty to say that the President must be able to verify that the Soviet Union is in compliance with all other treaties that they have with the United States before this treaty goes into effect.

If we are not willing to do that, then what we are willing to do is just lie down and let the Soviets run over us and say that we will do anything to have a treaty here to go into the fall elections of 1988, so we can run back home and say we are for peace.

I would suggest to my colleagues that if the kind of peace that they are talking about is what they have got in South Vietnam and what they have behind the Iron Curtain, it is not

worth much and I thank the Senator for yielding.

Mr. QUAYLE. I certainly appreciate the Senator's interest in this compliance issue. I would only say they are violating other treaties. We know that. I am not so sure that you want to have an amendment that would force renegotiation and not allow this to go forward until they get in compliance with the other treaties. I think it would be very problematic at this particular juncture.

Mr. DOMENICI. Would the distinguished Senator yield to the Senator from New Mexico for just 2 minutes for an observation?

Mr. QUAYLE. I will be glad to yield 2 minutes to my friend for an observation.

Is it a good observation?

Mr. DOMENICI. Could I make it 3?

Mr. QUAYLE. It must be very good. Do you want 3 minutes?

Mr. DOMENICI. I might make a better observation if you give me 3 rather than 2.

Mr. QUAYLE. If it is a better observation I yield for that purpose.

Mr. DOMENICI. I do want to say to my friend from Indiana, first that I am very sorry that we did not steal your coach. I truly wish he would have gone to New Mexico.

On the other hand, you are very lucky, you still have him. That is a pretty good observation for starters, I assume.

Mr. QUAYLE. Well, that is. I just want you to know that I am only a Senator from Indiana and Robert Montgomery Knight is king from Indiana.

Mr. DOMENICI. So I figured that would give you a chance to say that you were glad that he stayed in Indiana and that way the rest of my remarks would be very satisfactory to you.

Mr. QUAYLE. We are delighted that he stayed in Indiana. If you had anything to do with his staying in Indiana we thank you for it.

Mr. DOMENICI. I did not. I sure did not. But I do want the Senator to know that it was very good for my State, so we know what we think about your coach, that it was very good for my State, the State of New Mexico, that he even considered us. And we want to thank you for that. There are many people who are now a little more aware that New Mexico is a State and we are part of the Union and all those things, and we have a great basketball program and you were very helpful in that regard. I am very sorry that my efforts, as meager as they were, were unsuccessful.

Having said that, Mr. President, let me just make an observation.

I do not read the Constitution very often, but frequently I am amazed to find things in it. The other day when we were debating the trade bill, I was amazed to find that there was a provision in there that made a couple of the prohibitions against shipping Alas-

kan oil to ports in the United States unless they went to certain ports; I was amazed that the Founding Fathers were smart enough to think that should not be done. They even had a special provision in there saying you just cannot pass laws favoring one port over another. It was almost that specific.

So I thought I would see what we are doing here on the floor and what it says is, "He," the President, "shall have the power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur."

At that point, there is a semicolon and there is some more language that does not pertain. So, Mr. President, I believe we have had some wonderful debates here for the last couple of days. I think we laid this treaty down Tuesday evening.

Next Wednesday evening or Thursday morning when the President of the United States, Ronald Reagan, is on the way to the summit, or waiting in Helsinki to see what we are going to do, we will have 7 full days to debate this treaty.

I have not gone back and seen how many scores of days the three committees with 50 Members of the Senate, how many days they have had to review this treaty so that we can do what this Constitution says: Advise and consent.

You do not advise and consent by saying maybe. You either vote yes or no. It seems to me that you do not even filibuster because this Constitution envisioned filibusters because it knew the rule of the U.S. Senate was even going to do that. That was part of the processes that were around even before this Constitution.

But you know it does not even do any good to filibuster a treaty because the truth of the matter is you have to have two-thirds of the Senate present voting aye or you do not approve the treaty anyway.

Mr. President, I am no mindreader and I have not taken it upon myself to go walk around and ask the U.S. Senators who represent the people of this country whether they are for or against this treaty. But let me tell you what I think.

I think if we were to vote tonight, yes or no, on this little constitutional provision, two-thirds say yes or no. I believe that it would be a surprise if there are 10 nays. I think the vote right now would exceed 90 ayes.

Mr. WALLOP. Would the Senator yield for question?

Mr. DOMENICI. Just let me finish. That is my thought. It is nothing more than the Senator from New Mexico who thinks that is the case. It may be that it is 85 to 15.

But, Mr. President, I believe the President of the United States deserves an opportunity for this body, before he meets in Moscow, to say yes or no. And if we want to say no, let us

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say no. But if we want to say yes, it seems to me that scores of days before three major committees involving 50 U.S. Senators and 6 or 7 full days on the floor, which is what we are going to have, I just somehow think that ought to be enough.

For that 10, 12, or 15—maybe I will expand my numbers—that want to vote no, it seems to me in all deference to them—they are marvelous Senators—they have just as good ideas as the 85 or 90 who want to say yes. It seems to me that they ought to make their points in 5, 6, or 7 days; they ought to be able to offer any kind of appropriate, valid amendment or reservation or forced amendment to this treaty in 5, 6, or 7 days.

I speak again only for myself. I am not on any of the committees that passed on this.

I knew it was coming for weeks on end. I had plenty of intelligent people who know verification inside and out. As a matter of fact, the experts of the whole world are in my State. They run all over making sure all this is done right. They are there to talk to me. I had five of them for the last 3 months. They have been reading it and reviewing it, and I am not even on a committee.

I think if there is something new for me to learn, as a Senator from New Mexico, that puts America's future in jeopardy if I vote "aye," that 5, 6, or 7 days is enough time to educate me.

Mr. President, I think my fellow Senators know this Senator has the deepest respect for them. Whether they are in the 90 who are going to vote for it or the 10 who are opposed to it, I truly believe that the U.S. Senate, come Wednesday night of next week, will have had plenty of time to vote yes or no.

I believe this President, not only this President, but the American people deserve the opportunity to have their President—he is not going to be around here next year—carry this treaty to Moscow for a summit.

It does not have to yield anything more. I am not so sure that all these statistics about what the American people want, what the overwhelming sentiment is, is not that they want this treaty ratified and they want this President to have an opportunity to maximize the opportunities that might flow from it.

That is why I took a few minutes to come to the floor. I am speaking at no one. I am not directing my attention at anyone. I just hope that the general consensus is that we ought to be able to come to a conclusion by Wednesday and do just what the Constitution says: vote yes or no or modify this treaty.

We should get on with helping this President with this very difficult mission in a very different and changing world.

I thank the Senator for yielding, and I thank the Senate for listening.

Mr. QUAYLE. Mr. President, let me say, as far as this time schedule, I think we can and hopefully will be able to conclude this—I do not know if it will be Wednesday; I do not know when the President and the General Secretary meet. Maybe it will be Wednesday night. I do not think now is the time to start harping about we have to get on and pass this at a certain deadline.

I think now we want to sit here and have a discussion. I have been interrupted a number of times this afternoon. I am just trying to conclude my opening remarks.

I happen to have spent a lot of time on this treaty. I spent some time on the opening remarks, and, as the Senator knows, I am not speaking from prepared text. I am speaking from an outline because I happen to know a lot about this issue.

Mr. DOMENICI. Absolutely.

Mr. QUAYLE. For us to start talking about a deadline at this time I think is really quite inappropriate. I have sat here on this floor. I came over around 3 o'clock, and I am about ready to conclude.

I think that speech will be much more appropriate if we get into the dilatory tactics, and that may happen. I do not know. I hope it does not.

I can tell the Senator I am not being dilatory. I made substantive remarks about concerns I have about this treaty, and I made some substantive observations about the good things about this treaty.

If Senators do not want to talk about this, Senators do not have to talk about it. But once you have been involved in this thing for 4 months—and I have lived with this thing, and I have a lot to say about it. I do not have a lot of amendments. I may offer one. I may not. I am going to debate them once they are offered.

I want to see the interpretation issue resolved favorably. I want to see the futures thing finally concluded. I want to have a good debate on the Hollings amendment which I think is the substance of this.

For now to sit here and say we have to get on and pass this thing by Wednesday evening, fine, I hope we do. I am going through here, and I have tried to go through. I yielded to the majority leader, and I have yielded to the Senator. I am trying to get through my statements so we can get on with it.

Mr. DOMENICI. Mr. President, I was not directing my remarks at the Senator, and I think he knows that. In fact, I have been listening, even though I was not here, and I think he has a marvelous understanding of the treaty. He deserves to speak at length on it, and he deserves to be heard.

My remarks were not addressed at the Senator. In fact, I said they may not be addressed at anyone; did I not? I am assuming that maybe there is no one who wants to really delay the

treaty because they do not like the treaty. That is what I said.

I hope that there were none, but that my opinion was that we ought to have enough time for that up-or-down vote and time to let this President take it with him. That is all I said.

I thank the Senator for yielding again.

Mr. QUAYLE. We may get to where a speech like that is right on target. To make that speech now when I am trying to conclude my remarks I do not think has any bearing on what is going on right now. I hope we do not, but we may get into dilatory tactics. I may join the Senator from New Mexico, depending on what it is.

Mr. WALLOP. Will the Senator yield 1 minute to me for an observation? The Senator has been most kind, and his remarks have been interrupted and interrupted, but before the Senator from New Mexico leaves let me make this observation.

First, there has been no debate. There have been speeches. I posed what I think are legitimate questions. There are no answers. I will raise them again. That is not dilatory, at least on my part.

If we vote tonight, and I believe what the Senator said to be true, and get 75, 80, 90 Senators to vote speaks about the Senate and not about the treaty. It speaks about us wishing to satisfy political needs and not the needs of this country.

This treaty goes in perpetuity. For us to be hurried because of a summit or any other thing before the Senate has had an opportunity to debate, and I say again it has not, I think is just a wrong urging at this moment in time.

The Senator from Wyoming knows well enough that we cannot filibuster this. It does not make any sense. I am not trying to. But heavens; I raised a whole series of historical points and military points and political points on the floor of this Senate this afternoon. Those deserve answers, and they did not and were not forthcoming.

Mr. QUAYLE. Mr. President, let me try to conclude my remarks. I have two things that I want to finish with.

One of the things that has been brought out and talked about as a problem down the road is this whole notion that you are going to get into a denuclearized Europe, the so-called triple zero.

I have said, and others have talked about the possibility that we are going to denuclearize Western Europe. Some think that we are on that road right now.

Yet, I think the Senate would probably go on record to say no, we want to have that nuclear deterrent. We had debate in the Senate Armed Services Committee about trying to go on with the modernization program in accordance with Montebello. In the modernization program in accordance with the Montebello decision and the Senate Armed Services Committee, we

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still have some restrictions on ATACMS, we still have some restrictions on some of the dual-capable artillery shells. We still have not modified that commitment.

I admonish people to think down the road a bit. If you do not think Europe could potentially be denuclearized, think about a change of government in Britain. Think of the Labor Party that would come in and what their agenda is. They have a two-party system, essentially a two-party system. Think about if you have a change in government in Germany, the SPD. Look at what has happened with the Danes and the Norwegians and the Spanish, the Greeks, the Japanese, and in the Philippines. They have all increased their interest in having nuclear-free zones or no nuclear weapons on their soil. Think how our ships are going to visit their ports. A more neutral Europe, is that good for our interests? I am not sure it is. I am not sure a more neutral Europe is in our best interests, one that would be aligned with the East rather than the West. I believe that we are really at the threshold here to see where in fact Europe is going. Is it going to be stronger, more cohesive? Is this treaty going to do those things or is it not? I think that the ultimate objective—I think we need to put this right out on the table—of the Soviet Union beyond denuclearization and a more neutral Europe is to get access to trade and credit and be able to prop up their economy through the wealth that we generate in the West. We are going to have trade, but it is going to have to be very careful trade, particularly in the area of technology. You have to look at human rights. We are not going to just rush over this, but that is the object. Face it, the bottom line is to have trade assistance from the West.

So I think it depends, Mr. President, on which road we travel with the INF Treaty. If you are going to maintain a nuclear deterrent in Western Europe, if you are going to maintain a strong alliance, if you are going to get Western Europe to do more rather than less, if you are going to have an alliance that in fact says we are going to build up our conventional forces and be willing to do that, that is all fine and good. If, on the other hand, we travel down the road where you go to the so-called triple zero, you see a denuclearization, you see a more neutral Europe, you see them looking toward the East rather than the West, then I do not think that is good. The success or failure of this treaty as history will record will determine on which one of those roads we travel.

Mr. President, let me conclude with a couple observations of the so-called interpretation amendment which I hope can be favorably resolved. Despite all the protestations to the contrary, this is a reshuffle of the so-called ABM debate, whether you are on the side of the narrow interpretation or

you are on the side of the broad interpretation. They use the word "reinterpretation." We are not talking about reinterpretation because the ABM Treaty was not a reinterpretation. It was just an interpretation. Where there are ambiguities, the President has the right to interpret a treaty. He has the constitutional duty to interpret a treaty. I do not believe anybody ought to deny him that. And now we are getting into whether it is a reinterpretation.

What if, in fact, an administration witnesses testifying on a treaty makes a mistake? What if mistakes are made? Are you not subject to reinterpretation? In that case, a reinterpretation might be to the good. And when you look at this interpretation issue, I think what you want to try to figure out is how are you going to make the Soviets bound by our ratification record and our authoritative statements? The Soviets are bound by the treaty. And even if we are going to be bound and somehow they are going to be bound by the ratification record here, what about the ratification record in the Supreme Soviet? Are we going to be bound by that? I hope this whole thing is dropped. It does not belong on this treaty. I hope that it does not become a problem and I hope that either we can work it out on the floor or we can work it out privately.

Finally, Mr. President, I conclude that the treaty, in fact, should and will move forward. We will have debate on some issues that I think are quite important. As we look at this, I think we will be judged by what we learn from this process. We will be judged by lessons learned from the INF, precedents that we will take forward to START, precedents that we will take forward in the arms control process, precedents that we will take forward as a country. There is a lot to learn about the INF Treaty and the INF debate and the whole process. My desire is to not only have many Senators become interested in the issue but also as a Senate and an institution we can in fact learn by our mistakes, learn by the process, figure out what we need to do to make sure that this treaty is a success and not a failure. There are many challenges that we will have to meet to make sure that this treaty is a success and that we can look back to May 1988, when the Senate gave its advice and consent for ratification, and say we did the right thing; that history will record that this is a successful treaty and a successful effort and not one that ended in chaos, self-doubt, consternation, and a host of ambiguities. Many of the lessons that we learn with this will be valuable not only today but in the future.

Mr. BYRD. Mr. President, in relation to the treaty, and we are speaking in executive session because the Senate is in executive session, I would like to propound a unanimous-consent request that the Senate close off all

amendments to the treaty and that the Senate proceed to the presentation of the resolution of ratification.

Before I put the request, I should say that once all amendments to the treaty have been disposed of, if there are, indeed, amendments to the treaty, then the Senate should go to the resolution of ratification.

The resolution of ratification would have to lie over until the next day, and the Senate would then proceed with the resolution of ratification and amendments thereto. If any amendments to the treaty have been accepted prior to going to the resolution of ratification, those amendments would be incorporated into the resolution of ratification, along with any other amendments to the resolution by way of declarations, statements, reservations, understandings, and so on.

In the interest of proceeding in a fairly expeditious manner, and certainly in an orderly manner, I would hope that we could do that at this point. If any Senator has an amendment to the text of the treaty, if we can know that and be informed of that now, of course, I shall not press the request at this time. I wonder if we might have an indication from any Senator who has an amendment to the text and would like to present that amendment. Senators who have other statements they would like to make, they can make those statements on the resolution of ratification. Now I make inquiry.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. DOLE. I will just take 15 seconds here. I hope we can move on to the resolution of ratification. There are about 12 major amendments we are going to have to deal with on the resolution. I indicated this morning there may be four Senators who have amendments to the treaty. I am now certain that two of those do not. The other two Senators are present. At least one of the two are present.

So it would be my hope we can move on. We have had 3 good days of discussion. There has hardly been any time lost. People have made their points, and I hope we can move on.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that the Senate proceed now to the consideration of the resolution of ratification.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina reserves the right to object.

Mr. HELMS. Mr. President, we have been on the treaty 2½ days, compared to 70 days for the Panama Canal treaties 10 years ago.

I suggest to the majority leader, prior to coming over here, I talked

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with three Senators, all of whom are contemplating amendments to the treaty. On their behalf and my behalf, at this point, I would have to object.

Mr. BYRD. Do I understand the Senator to say other Senators have amendments to the text of the treaty?

Mr. HELMS. Yes. I cannot say whether they will or can offer them this afternoon. But if the distinguished majority leader wants to revisit this, perhaps in an informal way in his office tomorrow morning, I will certainly be cooperative in that regard and I am sure they will, too.

Mr. BYRD. So the Senator does object to the request today?

Mr. HELMS. I reluctantly and regretably have to object.

The PRESIDING OFFICER. There is objection.

Mr. BYRD. Mr. President, the Senator is certainly within his rights to object to the request. I suggest we revisit this on tomorrow morning. That is Friday. Let us get all Senators on the floor at that time and identify those Senators who have amendments to the text of the treaty—they certainly have a right to call them up—and I hope they will proceed with their amendments so the Senate may debate and act upon those amendments. Then, hopefully, we could close out debate on the treaty and go to the resolution of ratification. If we could do that tomorrow, then we would not have to come in on Saturday. We would come in Monday; that would meet the requirements of the rule. Then on Monday, the Senate could proceed to consider the resolution of ratification and any amendments thereto.

Mr. DOLE. Will the majority leader yield?

Mr. BYRD. Yes, I yield to the distinguished Senator.

Mr. DOLE. I do not have any quarrel with the majority leader's suggestion. Certainly the Senator from North Carolina is within his rights. But I want to remind all of us, particularly those on my side, that it is our President who is going to go to Moscow next week, and he would like to have us consent to the ratification of the treaty. I can already foresee not doing much tomorrow. I think I can see that in the cards. It appears, if you have a meeting in the morning, there will be some more delay and then we are into Monday. I am not certain we are going to do anything, but I hope we do a lot Monday, Tuesday, and Wednesday. There are a number of major amendments to the resolution of ratification. It would seem to me, if Senators have amendments, they ought to offer the amendments; they ought to offer them today.

I say that as the Republican leader on behalf of the Republican President, who I think deserves great credit for this treaty. We are not shutting anybody off. Nobody has attempted to do that. But I hope we understand on our side of the aisle that we have a special

responsibility to President Ronald Reagan. So hopefully in the morning, if there is that meeting, it will help move this thing along because we have major amendments. The one on interpretation could take a couple of days.

The PRESIDING OFFICER. The time of the agreement has expired.

Mr. BYRD. Mr. President, if I may have 2 more minutes.

The PRESIDING OFFICER. Is there an objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, a motion is not in order to take the Senate from the text of the treaty to the resolution of ratification. We only do that when all action is completed on the treaty.

Now, there are some amendments on this side to the resolution of ratification, but I know of no amendment to the text of the treaty on this side. Am I correct?

Mr. PELL. Correct.

Mr. BYRD. That is correct. Whatever time remains I will be glad to yield to the distinguished Senator from North Carolina, if he has any response. Otherwise, tomorrow morning we will have a live quorum. We will have everybody come to the floor. If any Senators have amendments to the text of the treaty, I hope they will identify them and begin to call up those amendments, because, as the Republican leader has stated, the clock is running. The clock may run as long as there are legitimate amendments, serious amendments and serious debate.

But I hope Senators will call up their amendments, legitimate amendments, and get on with action on the treaty.

Mr. DOLE. There will be a full day tomorrow, right?

Mr. BYRD. There will be a full day tomorrow. I will go as long as the managers wish.

Mr. PELL. Might there be a full day on Saturday, too?

Mr. BYRD. We may still do so.

Mr. President, I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. BYRD. Mr. President, I ask unanimous consent that this colloquy be as in legislative session.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, the DOD authorization bill is the unfinished business. That is S. 2355. The pending status of that bill is that it has advanced through the amendment stages up to the point of the pending amendment by Mr. D'Amato under an agreement that precludes any other amendments to the bill. The amendment by Mr. D'Amato has been one of which several parties have been seeking to find an agreement that would allow the Senate to dispose of the D'Amato amendment and then proceed immediately to a final vote on the passage of the DOD authorization bill.

Mr. LEVIN, Mr. KENNEDY, and other Senators on both sides of the aisle have been working on an agreement that would allow the distinguished Senator from New York [Mr. D'Amato] to have a freestanding bill which would be covered in itself by a time agreement, providing that there be no debate on the motion to proceed. The bill, therefore, could be brought up at any time that the majority leader would be prepared to bring it up after consultation with the distinguished Republican leader. The agreement would also provide for time limitations on the bill during debate thereof, and the agreement would specify certain amendments, and only those amendments would be allowed to be called up to the bill. As I understand it, they would be germane amendments to the D'Amato amendment, and it would not allow nongermane amendments. There could be no filibuster on the bill because of the time agreement.

Consequently, the distinguished Senator from New York would be guaranteed a bill that would be called up and guaranteed a clear shot at the D'Amato amendment; a time agreement which would preclude nongermane amendments to the D'Amato amendment; a time agreement that would provide for a limited amount of debate and therefore preclude any filibuster; a time agreement which would allow for a final decision on the D'Amato amendment separate from the DOD authorization bill.

If we could enter into that time agreement, we could then immediately vote on the DOD authorization bill. Senator NUNN and Senator WARNER could take that bill to conference, and the time of the Senate would be saved in the long run.

I hope that the principals whose names I have mentioned will speak to the matter. I would like to put the request on the agreement.

Mr. NUNN. Mr. President, just briefly, I certainly subscribe to the proposal as outlined by the majority leader. I believe this bill has the support of the broad majority in the Senate, the DOD bill, and I think the amendment has the support of a broad majority.

I do not believe that, even if we pass the amendment as an amendment to this bill relating to capital punishment, we will be able to arrive at any kind of conference conclusion that would be positive. The reason I say that is that the House is very sensitive about jurisdiction. We all know in the Armed Services Committee that as soon as there is a nongermane, nonrelevant amendment on the bill, whichever committee that would deal with that subject in the House, they appoint them as conferees.

So we will be in conferring with the House Judiciary Committee and, of course, our Judiciary Committee will then want to be involved. And both Judiciary Committees are likely to be

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opposed to it coming out of this legislation. I am sure the House Judiciary Committee will be against it coming out.

If we passed this as an amendment to this DOD bill, we would do our best in conference, because we would be representing the Senate, but I would imagine that we would either have to give up on the amendment at some point to get a DOD bill, a defense bill, or we would be basically holding up the authorization bill for many, many weeks, maybe months.

Now, the House Appropriations Committee is already starting tomorrow marking up their House appropriation bill. We hoped we would, for many, many reasons, be in sync with the House appropriation bill and the Senate appropriation bill by having an authorization bill first. If this whole matter is held over until after the INF Treaty because of recesses and because of other considerations, we have no real hope of getting a conference completed by the 4th of July. And with the conventions coming up, we will probably be into September before we finish this bill.

The Senator from New York has been very involved in getting other amendments on this bill, including other important drug-related amendments. I think they would be held up a long, long time just by the nature of the calendar.

So I hope that we could have an agreement along the lines the majority leader has proposed—and I hope the Senator from New York and others who are interested in this would agree to that—which would give them every opportunity to have a freestanding bill, with the assurance that we would reach a vote on that bill.

Mr. WARNER addressed the Chair.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BYRD. Mr. President, I yield to Mr. WARNER.

Mr. WARNER. Mr. President, I shall take but a minute to join my distinguished chairman, the Senator from Georgia, in stating that, having been through nine conferences with him now, and particularly in the last few years where a number of conferees came from other House committees than the House Armed Services Committee—one time we had 75 conferees—I would anticipate a like scene this time, in view of the desire of the House to protect its jurisdiction. I am quite certain that here in the Senate consideration would be given to the Senate Judiciary Committee to join in the conference. So I hope that our colleagues, both of whom have attended many conferences themselves, would be well aware of that.

Mr. WILSON. Would my friend from Virginia yield?

Mr. BYRD. I yield to the Senator from California. I promised the Republican leader first—all right, then, Mr. WILSON.

Mr. WILSON. Mr. President, and to my friend from Virginia and to the majority leader and to my friend the chairman of the committee, I think that Senator D'AMATO and I and others who are eager to obtain a vote are not only sympathetic to what has been said here, in terms of not wanting to hold up the bill. Obviously, we do not want to do that but we do want a vote.

The problem is precisely that the other body does not really want to deal with it, as does this body.

I agree with the Senator from Georgia. He is absolutely correct. I am sure that there is not only a broad majority favoring the DOD authorization bill, but also a broad majority favoring this amendment.

The only problem that we have with a freestanding bill is the virtual certainty that it will never come to light on the House side. It is simply too easy for the House to duck it.

I am mindful of the admonition by the chairman, in fact he and I earlier today discussed the problems dealing with the conference and the problem that the defense authorization bill conference traditionally has when there are nongermane amendments.

The only problem is that there is no better opportunity available. So my suggestion, with all respect to the desire to move the DOD bill, would be to let us have this vote on the Senate side; not hold up the bill, move it along and, if a better vehicle presents itself in the interim, then I would say let us attach an amendment relating to the death penalty to that vehicle. Then perhaps we can avoid the problem that the Senator from Georgia foresees with respect to the DOD conference.

But the problem right now is that a freestanding bill is really an exercise in symbolism of the kind we too often are compelled to engage in on the Senate side.

We do something in response to the expressed will of the people and then it never happens on the House side.

So, this may not be a perfect vehicle, it is simply that it is the best one around and a freestanding bill simply gets us nowhere in the House.

That is I think in a nutshell the problem that we face.

Mr. BYRD. Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, I met briefly this morning with the Senator from New York. I know he had a very brief visit on the floor with Senators NUNN and WARNER. I am not certain there have been any meetings since that time. I understand there may not have been.

But I am not certain we have advanced any since we started here a few days ago with reference to this amendment. It will be up to the Senator. We have had a letter since then from another Senator saying he would object to any unanimous-consent agreement

on the D'Amato amendment. I think that letter is in the hands of our staff.

So I am still willing to try to work it out. I know the majority leader is. I know the defense authorization bill is important. And I know the amendment is important, the D'Amato amendment is important.

I have delivered the proposed agreement, given to me yesterday by Senators LEVIN and KENNEDY, and the proposed list of 10 amendments to Senator D'AMATO. I know he has had those under review.

But I am not in a position to tell the majority leader that we can consent to anything at this point. We have yet to hear from the principal, Senator D'AMATO.

Mr. NUNN. Will the Senator yield briefly?

Mr. BYRD. I yield.

Mr. NUNN. One point Senators may be interested in. I do not have the exact date here, where this will have impact. It is not many weeks off. We have a transfer authority in this bill to allow the Department of Defense to transfer funds to avoid, as much as possible, the furloughs of civilian employees.

At some point, this is going to play a role. The Department of Defense has got some serious outlay problems to meet the budget request. They are going to have to have transfer authority, internally, to make those switches.

So we may very well have a few phone calls from civilian employees who otherwise would be furloughed.

I do not know whether that is going to come in 2 weeks or 3 weeks or a month or 4 weeks or 5 weeks. I do not know. I will know more tomorrow.

But at some point, we are going to have a lot of civilian employees working at military bases around the country that are going to be impacted if we do not pass this legislation.

Mr. BYRD. May I yield to the distinguished Senator from New York; without losing my right to the floor.

Mr. D'AMATO. Mr. President, first of all let me preface my remarks by saying that no one has been more patient, more understanding and worked harder to bring about the passage of this bill than the chairman of the committee, Senator NUNN. Not only as it relates to this controversy but also in dealing, I think, in only a fashion that a gentleman—and I say gentleman—with the intellect but also with the concern that he demonstrates for others and their prerogatives and their thoughts as related, I think, to achieving a rather substantial milestone with this body as it related to getting a bill that brought about the proper use of the military as it relates to the areas of detection and the limited—and they are limited—arrest provisions under certain circumstances that the military can engage in.

I have to say that this Senator feels somewhat defensive, and I do. Certainly not as it relates to the distinguished

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Senator from Georgia and certainly not as it relates to the majority leader who has been more than accommodating and who has been patient maybe to a fault. But let me suggest that this is not a new area of endeavor, or one of a political vein or nature to this Senator.

When I watch the media accounts they have rather trivialized some of the work that I have been undertaking, and yes even in an effort to sensitize, maybe, this body and the White House and others to the dilemma that we face, I feel that the American public has been trivialized for a long time.

It is unfortunate that it takes an election year to get some of my colleagues to begin to recognize the dilemmas that we have as it relates to the drug problem. It is really unfortunate. It is unfortunate that this Senator and others; Senator DeCONCINI, who for years has been in the forefront—I have to tell you, I view with disdain the recent activity of some of my colleagues who do not give two hoots and a holler, really, and then rush forward: Oh, work? Assign their staff? Really put in time and effort? A lot of hokum.

Mr. President, as I was saying I find if it were not so tragic and we were not dealing in such an important area, rather amusing the awakening to the issue of the drug problem and the challenges that we face.

I find it also rather interesting and intriguing that the very same people who say your amendment is holding up this bill, are my colleagues who refuse to give us an expeditious vote. I am ready to vote on this right now without any further debate.

So I reject the contention that we are holding up this bill. And it very well might be, and certainly I am not in a position to second guess the Senator from Georgia that the conferees that the House puts on may object. Well, let them be held accountable for objecting. Let us see who is really going to work to either implement the program that is going to bring about some measure of response to the drug problem and who is going to look to kill it.

But if we allow a freestanding bill to go to the House it will be assigned as sure as we are here today to the morgue.

No one will have responsibility, no finger of accountability will be there. That is why I suggest at the very least to give it the opportunity to smoke out those who want it both ways. Who want to say, yes, they are ready to use all available means to fight the drug war, and yet when it comes to undertaking some measures that would give a measure of protection to our law enforcement officers, to innocent people, yes, make it more difficult for the drug kingpins to just order with abandon the dispatch of their gunmen into neighborhoods, to inflict their pain, as well as they do their drugs, and we are

willing to take the necessary steps to back up our quest for law enforcement.

So I have to reluctantly note, not just on behalf of this Senator, but I say there are a half a dozen Senators on this floor who support our going forward and asking for a vote. I wish I could accommodate the majority leader because he has been most gracious, most understanding and he has demonstrated more concern for giving everybody a fair opportunity. Reluctantly, Mr. President, I am not in a position to withdraw the amendment at this time.

Mr. BYRD. Mr. President, there will come a time when we have to take some action on this bill and on the amendment. A tabling motion would be in order at any time. I realize the distinguished Senator can enter a cloture motion, as can other Senators.

I would hope that we redouble our efforts to try to reach some understanding that would allow final action on the DOD authorization bill and a separate vote on the D'Amato amendment.

I am on the same side of the distinguished Senator from New York, just as is the distinguished Senator from Georgia, the chairman of the committee. But I think we reach a little far. "One's reach should exceed his grasp else what's a heaven for?" Senators are reaching a little far, perhaps, if they hope to commit the leadership of the other House to a given Senate amendment presently pending in this body.

I admire those Senators who seek to get a commitment out of the other body's leadership, but I do not think we should expect the Senate to stand by overly long in the event that such a commitment is not forthcoming.

Mr. President, there will come a time when we will have to face up to this. I know that, if a House Member were to insist on the Senate's accepting an amendment of the House under similar circumstances, I could not give that commitment, even if I want to. Neither can the Speaker.

While it would be desirable to have a commitment out of the other body, I hope we will not employ that approach much longer. It will prove to be an idle expenditure of time.

Mr. NUNN. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NUNN. I want to reiterate the point the majority leader just made. The problem with this, everybody knows there are certain leverage points around here. There is very little leverage that I can connect between holding up the Department of Defense bill and getting people who are opposed to capital punishment on the House side to agree to a time certain on a House vote on the capital punishment matter.

I do not think that correlates. I do not think there is any leverage. I do not believe that the people over on the House side, who may not want to vote

on capital punishment now, are going to yield to implicit threats to hold up the Department of Defense bill. It just does not correlate. There is not much leverage there.

Mr. BYRD. Mr. President, I think we have had about enough discussion on this matter today, but I would urge those Senators who are involved in the effort to continue their efforts, and we will return to the matter tomorrow.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The Senate continued with the consideration of the treaty.

Mr. DeCONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DeCONCINI. Mr. President, the President of the United States and the General Secretary of the Soviet Union signed the Intermediate Range Nuclear Force [INF] Treaty on December 8, 1987. For the first time in history, these two countries arrived at a general consensus that both would eliminate a whole category of nuclear delivery systems. These systems are comprised of missiles with ranges between 300 and 3,400 miles. Under the authority of our governmental processes and the U.S. Constitution, it is the responsibility of the Senate to give its advice and consent to this historic agreement.

I believe that two of the most important votes facing the Senate today are those decisions on war and peace and the confirmation of potential Supreme Court Justices. The importance of war and peace influences millions of lives and reflects the purpose and integrity of a country. The importance of confirming a potential Supreme Court Justice is critical because of the length and scope of the member's term. The debate on this treaty entails even a greater breadth and scope than the above mentioned examples. Moreover, the vote on a treaty between the United States and the Soviet Union will influence the entire civilized world and could lead to a stable and lasting peace. I look forward to a thorough, careful, and prudent debate.

Mr. President, before I begin to outline my reasons for supporting this treaty, while recognizing some reservations and caveats, I take this opportunity to commend President Reagan, Secretary Shultz, our arms control experts, and the Department of State for their diligent efforts in negotiating this treaty. I also applaud the efforts of the Majority Leader Byrd, the Minority Leader Dole, and the chairman of the Foreign Relations Committee, the Armed Services Committee, and

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the Intelligence Committee for their considerations and analysis of this treaty. Regardless of the final outcome of commas and precise definitions, a great deal of credit should be showered upon the aforementioned people.

(Mr. SIMON assumed the chair.)

Mr. DECONCINI. Mr. President, the treaty limiting intermediate range missile forces should be viewed as a positive step in the West that can have constructive results. This depends upon the next step in nuclear arms control negotiations and the future direction of Soviet policy. This treaty cannot and should not be viewed by itself as a panacea for nuclear disarmament or an establishment of détente for United States-Soviet relations. This must be considered on its own merits. However, I believe supporters of this treaty can point to the future benefits of this apparent success in some aspects of arms control. At a minimum, it portrays that the unprecedented provisions of missile dismantlement and on-site verification can lead to further agreements now under discussion. This treaty enhances NATO's security, U.S. security, and may eventually provide the impetus for more comprehensive East-West arms reduction agreements.

The INF Treaty is "a tribute to the collective resolve of the North Atlantic Alliance," as quoted by the Foreign Relations Committee report. Back in 1979, NATO pursued the dual track decision to either counter the Soviet SS-20 threat with INF deployments or to eliminate it through negotiations. With the signing of the INF Treaty in December, NATO demonstrated the resolve needed to achieve its objectives. Secretary Shultz testified to the Foreign Relations Committee that "the way we and our Allies successfully met the Soviet INF challenge shows that tough mindedness, clarity of purpose, and resolve pay off." The INF Treaty meets the terms sought by the United States and the security of the West. The United States is better off and so is Europe. These are two of the most important reasons why I am supporting this agreement. Moreover, the treaty is overwhelmingly supported by public opinion both in Europe and the United States. In addition to enhancing the security of the United States and our NATO allies, the verification and monitoring provisions could, if properly adhered to, diminish the possibility of war.

However, this does not mean that I do not harbor some concerns.

The INF Treaty has focused greater attention on the conventional force balance between NATO and the Warsaw Pact.

NATO has succeeded so far in deterring Soviet military aggression. It is important to note that the Warsaw Pact has more than a 2-to-1 advantage over NATO in the numbers of main battle tanks, artillery, antitank guns and missile launchers, and surface-to-

air missiles. Meetings and strategies concerning this imbalance are currently taking place both in the United States and in Europe. This asymmetry has existed for some time and the INF Treaty has forced NATO to prioritize this disparity. The treaty does not increase or decrease this imbalance, it has simply forced us to address the problem. The United States and NATO are currently working to develop new weapon technologies and strategies to help counter the Warsaw Pact's numerical advantage. Former NATO Commander Rogers has urged NATO members to raise defense spending by 4 percent annually in order to pay for these new technologies.

We should emphasize the mutual benefit of NATO-United States bases in Portugal, Spain, Greece, and Turkey. These bases should be financially supported by all NATO members. It is a travesty that the United States is literally held hostage for increased foreign aid each year for these bases. NATO does retain superior air power over the Warsaw Pact. NATO is also more politically cohesive. These are critical advantages to sustain in the future, and Spain's actions to remove the 72 United States F-16's could potentially threaten our air superiority. I will discuss this in further detail as the debate continues.

Additionally, I have been troubled by the executive branch's initial position on several issues with respect to this treaty, many of which have subsequently been resolved. The issue of treaty interpretation has been contentious in the past. I hope that the Senate will not digress on this question and replay the ABM treaty dispute. The Foreign Relations Committee has handled this issue extremely well. The committee did not attempt to make the Senate the interpreter of treaties, but instead, required that the executive interpret and implement treaties within the boundaries of the executive's original presentation in obtaining Senate consent to ratification. The executive branch should not be able to alter the interpretation of a treaty by changing its testimony made to the Senate at the time that the executive sought ratification. If this were allowed to happen, it would concede a power to the executive branch that the Constitution does not grant.

Based upon an example of views and opinions by the United States and the U.S.S.R. in recent months, the inclusion of futuristic weapons in the treaty is also an area of great concern. The Foreign Relations Committee has sought to define through further clarification the term "weapon delivery" to missiles using weapons other than conventional or nuclear warheads, such as high-energy lasers. Ambassador Glitman has worked with the committee to attempt to clarify this issue, saying the following about the treaty:

What this clearly shows is that we intend to capture any future weapons delivery

system that is ground-launched, ballistic, or cruise, and falls within the range bands covered by the Treaty.

This appears to satisfy many questions about the U.S. interpretation of futuristic weapons. The administration seems to be firm in its testimony that futuristic weapons would be banned by this treaty. However, it was unclear as to what the Soviet Union's interpretation would be. I believe that Soviet Foreign Minister Shevardnadze attempted to address this question. Nevertheless, further clarification and precise language were needed.

Mr. President, three committees have been responsible for the INF Treaty in the Senate. The Intelligence Committee is one of these committees. I have been a member of this committee for over a year. This committee has been largely responsible for the verification and monitoring provisions in the treaty. I have read hundreds of pages of testimony and reviewed countless documents concerning oversight, onsite monitoring and verification. This is an imperative section of the treaty. I believe President Reagan said it best: "Trust but verify."

While I have asked a number of questions in the committee concerning our ability to effectively check and verify Soviet missiles and installations, I have also been concerned about the Soviet's ability to negate or circumvent these procedures. Although verification and onsite monitoring look effective on paper, this is not quite convincing, especially given the Soviets record on past agreements. The Soviets track record demands effective verification. On April 28, 1988, the New York Times reported a serious rift between American and Soviet officials over interpreting verification provisions in the treaty. One of these differences concerned the scope of American monitors' inspections at Soviet sites. More specifically, the issue was whether United States inspectors will be allowed to look inside Soviet structures big enough to conceal small rocket stages but not large enough to hide entire SS-20 range missiles.

Furthermore, American officials have said that the two sides disagreed over inspection rights outside the Soviet missile assembly installation at Votkinsk. The question is over how much access American inspectors should have to other Soviet facilities. The Americans argued that they should be able to freely carry out inspections within general boundary lines drawn on Soviet diagrams. The Soviets countered with the suggestion that the United States should only be able to inspect buildings drawn in dark lines within these boundaries.

These disputes over implementing or actually practicing the onsite inspections were serious, if not resolved, especially given the key provisions pertaining to verification. It is one thing to agree in writing to historic and sometimes intrusive monitoring provi-

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sions. It is another if we are unable to follow through and practice these monitoring provisions. This was much too important to be termed a "technical dispute." I am satisfied that Secretary Shultz and Foreign Minister Shevardnadze have subsequently resolved this matter. However, these verification disputes may require additional practice sessions in order to clarify the interpretation and implementation.

The administration has been somewhat hesitant to assure that these verification methods and technical means would be adequately funded. The Intelligence Committee budget is classified and I cannot go into specific detail on this particular subject, but this administration must commit to an Intelligence budget that sufficiently improves the surveillance and onsite monitoring provisions needed to verify the treaty. The New York Times reported on April 27, 1988, that this administration had reneged on a previous commitment to seek the money. The heart and soul of this treaty entails compliance with provisions on verification. If the administration did not follow through on its own commitments to fund these imperative programs, they would face serious obstacles from the Intelligence Committee. Great progress has been made over the last few days on this issue. I would hope that this spirit of cooperation will continue between the committee and the Executive in implementing this treaty.

Mr. President, these concerns and caveats hopefully reflect some careful consideration in fulfilling the role of advise and consent on this treaty. These concerns have been addressed without killer amendments or renegotiation. But this treaty was not perfect. The role of the Senate to advise and consent was probably more important given the complicated verification, monitoring, and onsite requirements than ever before in our history. I believe the Senate has improved the treaty. I believe the Senate is performing its constitutional role. Most of these improvements and modifications can be accomplished without amending or drastically altering the substance of the treaty. I do not support any killer amendments to the treaty. Nevertheless, I would still like to see some modifications on human rights, regional conflicts, and base rights. I will address these concerns in separate statements.

As I stated earlier, my support for this treaty is determined by its impact on United States and NATO security. This treaty has positive effects on future arms control agreements and on overall Soviet relations. But this treaty does not automatically translate into better overall relations. There are no magic wands or secret formulas that will make relations perfect. We have read about General Secretary Gorbachev's economic and political reforms in the Soviet Union.

Buzzwords like "glasnost" should not disarm the U.S. public.

The Arizona Republic, in an editorial on May 3, 1988, reported Deputy Director of the CIA Robert Gates as saying:

For centuries, Westerners have hoped that Russian economic modernization and political reform—even revolution—signaled an end to depotism. Repeatedly, since 1917, the West has hoped that domestic changes in the U.S.S.R. would lead to changes in Communist coercive rule at home and aggressiveness abroad. These hopes, dashed time and time again, have been revived by Gorbachev's ambitious domestic agenda, innovative foreign policy, and appealing personal style.

The Republic editorial concluded by saying, that there is a chance that Mr. Gorbachev will remake the Soviet Union, and conversely, it is just as likely that the same forces that have prevented progress in the past could ignite a conservative backlash, thereby preserving the moribund Soviet status quo. We should not allow Soviet domestic politics to influence, one way or another, the merits and considerations of this treaty.

In closing, I am reminded of what Winston Churchill said when he was attempting to describe the motives behind the actions of the Soviet Union. "I cannot forecast to you the action of Russia," he said. "It is a riddle wrapped in a mystery inside an enigma. But perhaps there is a key. That key is Russian national interest." This treaty provides us with a key to that national interest. This treaty literally provides the U.S. inspectors with Soviet keys to defense facilities in order to verify the terms of agreement. Keeping in mind Churchill's warning, let me say this: In a nuclear world, a strong defense and "verifiable trust" are the ultimate guarantees of peace. Peace depends, at least in part, on the ability of the United States to keep the aggressive tendencies of the Soviet Union in check. We have experienced an unprecedented growth in our defense budget over the last 7 years, and we have negotiated from strength. We are negotiating from strength and we can verify this treaty. This treaty sends a message to the people of the world. The United States is committed to the defense of the free world and dedicated to peace in our time.

Moscow's foreign policy has indeed changed in both style and charm; but had Mr. Gorbachev's foreign policy qualitatively changed from that of his predecessors?

I have carefully looked into this topic and have talked to many Soviet scholars and experts in this area. I have read numerous research articles on this subject matter, although there is never a unanimous opinion, there is a great deal of consensus on certain points. The Soviet Union believes in the inherent superiority of Marxist-Leninist ideology, the need to preserve the superpower status, and the necessity to maintain Soviet control over

Eastern Europe. Rather than ominous threats, the Soviet Union now charms Western Europe in an effort to limit the military power facing the Soviets from the West. The Soviets more aggressively pursue Western technology and financial credits. Secretary General Gorbachev has the same objectives as his predecessors. He has merely shifted tactics and rhetoric. This INF Treaty could be viewed as a political precursor to better United States-Soviet relations and possibly better United States-Eastern European relations. It could be a precursor for better Western European and Soviet relations. And, it could be a precursor for better Western European and Eastern European relations. A great deal depends upon how this treaty is implemented and what progress is made on future arms control negotiations.

Mr. President, I would like to make a final comment on our relations with the Soviet Union. I believe it is too early to judge whether Mr. Gorbachev will succeed in reforming Soviet society. I wish him well in his endeavors. However, our negotiations and consideration of this treaty should not be influenced by "glasnost" and "perestroika." I was somewhat confused by Prime Minister Thatcher's comments a few weeks ago stating that the Senate should quickly approve the treaty so as not to hurt Mr. Gorbachev's efforts at home. Mr. Gorbachev's efforts at home have nothing to do with this treaty. I hope that her comments will not influence the outcome of this vote.

Mr. President, the United States and the Soviet Union seem headed toward reducing their nuclear arsenals. This treaty calls for the destruction of 2,695 missiles and would remove 2,096 nuclear warheads. The Soviets will remove four nuclear warheads for every one removed by the United States. This treaty represents a "triumph of solidarity for the NATO alliance" to win their objectives and to bargain from a position of strength. This treaty strengthens Western European confidence in regard to the U.S. commitment to defend Europe. This treaty has been carefully scrutinized by the Senate and important recommendations have been included. Specifically, the verification and compliance problems worked out directly by Secretary Shultz and Foreign Minister Shevardnadze were addressed after the treaty was signed.

As for the future of arms control, September is now the working deadline for reaching an agreement on a strategic arms reduction treaty. There is speculation that we will soon begin discussing conventional arms reductions. One would hope that we would move prudently and carefully on all future agreements to assure that they are verifiable and leave us with a survivable and viable deterrent. One would also hope that if deadlines do pass without agreement between the

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U.S. and U.S.S.R., there would not be cause for alarm. What matters is not who gets credit for a treaty, but what that treaty represents. It is not who's signature is on the treaty, but whether or not that treaty is sound. If we can learn from this INF Treaty and the recent resolved problems of verification procedures, the lesson is not to rush into last minute agreements. Provisions on verification and monitoring take time to negotiate, time to practice, and time to implement. The prudent path is to let negotiations take their natural course. We should not unnaturally rush negotiations.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I rise this evening in strong support of the resolution to ratify the Intermediate-Range Nuclear Forces Treaty.

The fact that this treaty is before us this week is a tribute to the determination of our President and the NATO alliance. Their perseverance and solidarity in the face of Soviet deployment of SS-20 missiles is what brought us to the signing of this landmark treaty. We have proven that the alliance is militarily strong and politically unified.

Let us just review a little bit of history if we might.

In the mid-1970's the Soviet Union aimed a new class of intermediate-range missiles, SS-20's, at Europe. The military reasons for deploying the SS-20 were to erode NATO's capability for flexible response and to confront the alliance with a credible threat of preemptive nuclear strike. There were also political motivations. The Soviet Union hoped to divide the alliance and to decrease European confidence in the U.S. nuclear guarantee.

In 1979, the NATO allies embarked on a dual-track strategy to counter the destabilizing deployment of Soviet SS-20's. We agreed to deploy 572 U.S.-owned and operated Pershing II's and ground-launched cruise missiles in West Germany, the United Kingdom, Belgium, and Holland. This intermediate nuclear force modernization was to proceed simultaneously with INF arms control discussions, in other words, the two-track procedure.

I would like to commend our European allies for sticking with this decision to deploy INF weapons in Europe.

I think every one of us can recall the massive so-called peace marches in West Germany, Belgium, Denmark, England, the lines surrounding the bases in Europe where Pershing weapons were going to be located, the marked growth in neutralist sentiment when we deployed the Pershing II's, the rise of the Green Party in Germany when we made substantial political gains as a result of their embracing a nonnuclear platform.

Nevertheless, those leaders, and I take my hat off to every one of them, stuck it out under tremendous political pressure and we proceeded toward

genuine accomplishments in arms control.

Now to put the dual-track procedure back on the move and to counter the growing European popular resentment, President Reagan announced the first arms control initiative of his administration and that was on November 18, 1981. He had been in office some 9 months. This was at the National Press Club.

He called upon Moscow to "substantially reduce the dread threat of nuclear war which hangs over the people of Europe." He offered to cancel deployment of U.S. medium-range missiles in Europe if the Soviets withdrew their medium-range missiles aimed at Europe. This was called the "zero-zero" option.

In this body, the support for the President's "zero option" was enthusiastic and bipartisan. However, the press largely decried this initiative, saying it could not be done.

It was offering the Russians something, of course, we did not expect them to accept. Let us look at what some of the newspapers said at the time.

The Indianapolis News: "Reputed war monger Ronald Reagan took steps to shed his image yesterday."

The Albuquerque Journal: "The outcome won't be determined quickly nor is it likely to result in a nuclear-missile free Europe."

Tulsa World: "President Reagan made a case for a non-nuclear Europe that is likely to be approved by everyone except those most important to its success—the Soviets."

The Santa Ana (CA) Register: "It is difficult to view the Reagan proposal for nuclear arms reduction as a truly serious one, though we hope that it is."

The Birmingham News: "... odds that Ronald Reagan will get any real agreement by the Kremlin on his 'zero option' are nonexistent."

They did not equivocate. They laid it right out—"of course, it won't happen."

The Christian Science Monitor: "Few think the proposal, as outlined publicly, will be acceptable to Moscow."

The St. Louis Globe-Democrat: "Realistically, Reagan knows there is little possibility of the Russians giving up the enormous advantages they have gained from deploying some 270 SS-20 missiles—each with three warheads—in Western Russia."

The Rockford Register Star (Illinois): "As a blueprint for nuclear disarmament, President Reagan's proposal for complete elimination of intermediate-range nuclear weapons from Europe has about as much chance of Soviet acceptance as the proverbial snowball in Hades."

It is true, Mr. President, that the Soviets rejected the zero option. Thus, we went ahead and deployed 572 Pershing II's and ground-launched cruise missiles in Europe.

We assumed a posture of strength. We responded forcefully and properly to Soviet attempts to intimidate NATO. And now we find ourselves voting on a double-zero option.

Everybody said it could not be done. President Reagan stuck to it and it is being done.

On the opening day of hearings on this treaty, Secretary of State George Shultz told the Foreign Relations Committee, "the way we and our allies successfully met the Soviet INF challenge shows that tough-mindedness, clarity of purpose, and resolve pay off."

And how has the allied response paid off? Under this treaty, this zero-zero option, we will dismantle all our intermediate-range nuclear weapons in Europe. The Soviets will dismantle all their medium-range nuclear weapons pointed at Europe, plus all the medium-range missiles they have aimed at Asian countries. The Soviets will be required to dismantle four times as many warheads as will the U.S. In my view, this is a good deal.

The INF Treaty provides for the global elimination of all long-range and short-range INF missiles. Missiles with a range of 600 to 3,000 miles must be destroyed within 3 years of the treaty's effective date. Missiles with a range capability of 300 to 600 miles must be destroyed within 18 months. These missiles must be destroyed; they cannot be converted into other types of weapons. Furthermore, the treaty bans INF missile modernization, production and flight tests.

Under the treaty, the U.S. will eliminate the following: 108 Pershing II missiles; 309 deployed GLCM's; 260 undeployed GLCM's; 170 old Pershing 1A missiles stored in the United States.

The United States will thus dismantle 429 deployed warheads. The Soviet Union will eliminate: 400 SS-20's; 70 SS-4's and SS-5's; 356 undeployed long-range INF missiles; 387 SS-12/22's and SS-23's; 539 undeployed short-range INF weapons.

The Soviet Union will dismantle over 1,600 deployed warheads.

I cannot emphasize enough the importance of those numbers.

The INF Treaty is clearly to NATO's military advantage and to the advantage of the United States.

Nor can I stress strongly enough the significance of the global elimination of these weapons. Never before in history has there been an agreement to discard an entire class of weapons. This is one of the most important aspects of the INF Treaty. It has tremendous implications for the security of Europe and the ultimate security of our planet. It points the way to future agreements to eliminate other weapons, or to reduce the most destabilizing weapons in our arsenals. It points the way to a START agreement.

The other critical aspect of this landmark pact is its new, intrusive,

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verification procedures. The key verification provisions of the INF Treaty are the following:

A detailed exchange of data, on an ongoing basis, regarding the origin and destination of missiles and launchers in transit; the dates for elimination of deployment areas, bases and support facilities; the date, place, number, and type of missiles and launchers to be destroyed at specified elimination sites and through launching.

I should note that this exchange of data is in and of itself remarkable and revolutionary.

The distinguished senior Senator from Arizona just talked about the Russians, what they are like—an enigma wrapped in a conundrum and enclosed in a mystery.

The memorandum of understanding submitted to the Senate with the INF Treaty contains very detailed information about the composition, location, and numbers of each side's INF force—what we have and what the Soviets have. By way of contrast, the data exchanged during SALT II negotiations could fit onto a single page.

Baseline inspections of missile operating bases, support and elimination facilities, to verify the numbers and location of all missiles and launchers to be destroyed.

Inspections of missile and launcher elimination.

Close-out inspections to verify that the destruction process has been completed.

Short notice "challenge" inspections.

Inspections of production facilities.

The role of these inspections is threefold: To establish the inventory of INF missiles and related equipment to be eliminated; to ensure that they have indeed been eliminated; and to detect a covert INF force. The inspections will be supplemented by the activities of our intelligence community and technology, referred to as national technical means. To enhance the usefulness of NTM in the verification regime, the treaty requires that the United States and Soviet Union not interfere with each other's intelligence gathering.

I am confident that the verification provisions of this treaty will be effective, and will allow us to detect significant cheating. As Ambassador Paul Nitze said in his committee testimony:

This is what Ambassador Paul Nitze said, and no one can accuse Ambassador Nitze to be soft on the Soviets:

What do we mean by effective verification? We mean that we want to be sure that, if the other side moves beyond the limits of the treaty in any militarily significant way, we would be able to detect such violation in time to respond effectively and thereby deny the other side the benefit of the violation.

Mr. President, I concur with the majority of Senators and negotiators who have gone through the issues with a fine-tooth comb. They have determined that the verification regime is

not just a coup for negotiators. It will work.

Now that I have described the nuts-and-bolts provisions of the treaty that have earned my enthusiastic support, I would like to touch on some of the questions that have inevitably risen.

First, in recent weeks a number of controversial issues surrounding treaty ratification has drawn attention. Most have been resolved satisfactorily through 11th hour negotiations on the part of the administration.

One particularly thorny issue has been whether or not the treaty covers so-called futuristic or exotic weapons. The treaty is explicit on its application to conventional GLCM's. The negotiators agreed to ban conventional missiles to aid in verification, since intermediate-range cruise missiles equipped with conventional warheads are indistinguishable from those equipped with nuclear warheads. Our negotiators, and the Senators on the relevant committees, have been assured that the ban extends to all medium-range missiles, including those equipped with futuristic devices.

I do not pretend to believe that the issue of futuristic weapons has been dealt with for the last time.

The other issue of great concern which we will be forced to address in the next few days is that of treaty interpretation. As I understand it, some members of the Committee on Foreign Relations plan to add a condition to the INF Treaty which seeks to repudiate the Sofaer doctrine.

Mr. President, no one is more opposed to a broad interpretation of the ABM Treaty than I. No one is more concerned about the implications of the Sofaer doctrine for the interpretation of all treaties. I have given my full support to the Senator from Georgia and the Senator from Michigan in their efforts to legislate U.S. adherence to the ABM Treaty. I have been supportive of all efforts to cut spending on SDI, which in my view is on a collision course with the ABM Treaty. In many ways we have been successful in our legislative efforts, and I pledge to continue to do all I can to this end.

Nevertheless, I am convinced that the INF Treaty is not the appropriate forum for righting this wrong. It troubles me to think that this debate, Mr. President, could degenerate into a partisan reopening of a long-festering wound. I am also troubled by the implications for this treaty of such a condition. Can the authors of it assure the Senate that we will not sink into a constitutional quagmire further on down the line?

This is not the time nor the legislation to debate that issue.

Other issues raised by the signing of an INF Treaty are the strength of our conventional forces and the need for an ensuing strategic arms reduction agreement.

The INF Treaty alone does not constitute a threat to Europe's security. In the early 1970's there were no INF

forces in Europe. Former Secretary of Defense James Schlesinger testified:

It is a form of parochialism in Europe to suggest that the Soviets have basically been deterred by a relative handful of warheads in Europe, none of which were deployed before 1983.

Yet, certainly the INF agreement has served to focus our attention on the need for the modernization of NATO conventional forces, as well as the desirability of forging a conventional arms agreement with the Soviet Union to do away with Warsaw Pact superiority in this regard. I hope that we will move forward in both areas, and hope that our NATO allies will continue to be full partners in the effort to negotiate from a position of strength.

The INF Treaty and strategic arms control are inextricably linked. The INF accord—revolutionary as it is—will only be truly beneficial to the security of NATO if there are some limits on Soviet strategic nuclear forces. Without these restraints on Soviet long-range missiles, the Soviets will be free to compensate for their dismantled, intermediate-range SS-20's by deploying more strategic missiles aimed at European targets.

In other words, you can take a long-range weapon and just have it go higher and thus have a shorter range. So I think following on with the START negotiations is extremely important.

Thus, now that an INF agreement has been signed by the United States and the Soviet Union, I believe there should be a mutually observed and stable temporary cap on strategic forces until a START agreement can be concluded.

The Senators from Arkansas, Vermont, Pennsylvania and I continue to believe that the core sublimits of the SALT II Treaty should not have been abandoned by the United States in November 1986. And we still believe that continued U.S. adherence to those limits serves our national security interests, so long as the Soviets also adhere to the same limits.

The Senator from Georgia indicated during debate on the DOD authorization that budget-cutting measures would likely result in a de facto interim restraint. I consider this of vital importance to the success of the INF Treaty.

Mr. President, in conclusion I would like to reiterate that the INF Treaty is a breakthrough. Indeed, we are on the threshold of a new era in arms control.

But we must not rest on our laurels. We must not be content to praise our allies, our negotiators, and each other and call it a day. We must recognize that our work has only just begun.

The President and Soviet leader are hopefully close to cementing a START agreement. Such a treaty will present us with challenges only alluded to in the INF agreement. Since that pact will result in arms reductions, rather

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that elimination, we will have to attack its verification regime with all of our ingenuity and skill. The willingness to negotiate is there—we have proved that with INF. But the truly hard work is still before us, in START verification; in the ongoing long-range negotiations in Geneva and in conventional weapons reductions talks.

The great lesson to be learned from the business at hand is that in arms control, good faith coupled with unwavering resolve and a strong military posture is a formula that produces results. Let us learn this lesson well, and put it to worthwhile and productive use as we face the many challenges that remain.

I urge all Senators to support the resolution of ratification.

I thank the Chair.

AMENDMENT NO. 2108

(Purpose: To provide that the treaty shall not enter into force unless and until the President has certified that the U.S.S.R. has ceased the violations, previously certified by the President, of existing arms control treaties or agreements)

Mr. SYMMS. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 2108.

Mr. SYMMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Article XVII add at the end thereof the following new paragraph:

(3a) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of the SALT I ABM Treaty, to wit:

1. Construction of the Krasnoyarsk radar.
2. Movement of a Flat Twin ABM radar and a Pawn Shop van (a component of an ABM System), from a test range and initiation of deployment at a location outside of an ABM deployment area or test range.
3. ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 surface to air missiles and radars, of which there have already been over 100 such tests.
4. Mobility of the Soviet ABM-3 system in violation of the Treaty ban on mobile ABMs.
5. Development of mobile Flat Twin ABM radars in violation of the prohibition on developing and testing mobile ABMs.
6. Falsification of the deactivation of ABM test range launchers in violation of the ABM Treaty dismantling procedures.
7. Rapid relocation of a Flat Twin ABM radar, creating a new ABM test range, in

violation of the requirement for prior notification.

(b) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of Nuclear Test Bans, to wit:

Venting of nuclear radioactive debris beyond Soviet borders from underground nuclear weapons tests in violation of the 1963 Limited Test Ban Treaty, of which there have been over 30 conclusively confirmed cases.

(c) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of Biological and Chemical Weapons Bans, to wit:

1. Involvement in the production, transfer, and use of chemical and toxic substances for hostile purposes in Southeast Asia and Afghanistan in violation of the 1925 Geneva Protocol.
2. Maintenance of offensive a biological warfare program and capability in violation of the 1972 Biological and Toxin Weapons Convention.

(d) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of the SALT I Interim Agreement, to wit:

1. Deployment of the heavy SS-19 Intercontinental Ballistic Missile and the medium SS-17 Intercontinental Ballistic Missile as replacements for the light SS-11 Intercontinental Ballistic Missile, in violation of the Article II prohibition against replacing light ICBMs with heavy ICBMs.
2. Deployment of modern Sea-launch ballistic missile submarines exceeding the limit of 740 SLBM launchers without compensatory dismantlement.
3. Deployment of SS-N-21 and SS-NX-24 long-range sea-launched cruise missiles on converted Y Class SLBM submarines.
4. Use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM.

(e) Notwithstanding the provision of paragraph 1 of this Article or of any other provision of this Treaty, its Protocols, or its Memorandum of Understanding, this Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratifica-

tion of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the following violations, previously certified by him to the United States Congress, of the objects and purposes of SALT II, to wit:

1. Flight-testing of the SS-25 Mobile ICBM in violation of the prohibition against a "second new type ICBM".
2. Deployment of the SS-25 Mobile ICBM in violation of the prohibition against a "second new type ICBM".
3. Deployment of the SS-25 Mobile ICBM in violation of the prohibition against a "second new type ICBM".
4. Development of "rapid-refire" capability for the SS-25 Mobile ICBM.
5. Covert Development of multiple warhead capability for the SS-25 Mobile ICBM.
6. Total encryption of SS-25 telemetry.
7. Exceeding the de facto SALT II overall ceiling on Strategic Nuclear Delivery Vehicles.
8. Development of the SS-N-23 Sea-launch Ballistic Missile.
9. Flight testing of the SS-N-23 Sea-launch Ballistic Missile.
10. Deployment of the SS-N-23 Sea-launch Ballistic Missile on Delta IV and III Class submarines.
11. Total encryption of SS-N-23 telemetry.
12. Arctic basing of the Backfire Intercontinental Bomber.
13. Production of Backfire Intercontinental Bombers in numbers exceeding annual limits.
14. Concealed deployment of banned SS-16 mobile ICBM launchers.
15. Failure to declare in the SALT II Data Exchange, operationally deployed and concealed SS-16 mobile ICBM launchers.
16. False declaration in the SALT II Data Exchange as to the range of the AS-3 Kangaroo long-range air launch cruise missile, so as to avoid inclusion of such missile.
17. False declaration as to the range and refueling capability of the Backfire bomber.
18. Exceeding the SALT II sublimit of 1,200 multiple warhead ICBMs and SLBMs.

Mr. SYMMS. Mr. President, what I am doing is having this amendment printed in the Record tonight so my colleagues will have the opportunity to consider it. I know Senator THURMOND and others are on the floor wishing to speak. The distinguished chairman and floor leader, Senator LUGAR, has been very courteous. I think the hour is late, so what I would suggest, Mr. President, is that I ask for the yeas and nays at this time.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, I ask for a division of the amendment.

The PRESIDING OFFICER. The Senator has that right. Will the Senator state what the division is that he wants?

Mr. SYMMS. I would ask that the amendment be divided in each subsection so there would be five divisions in the amendment. It is subsection (a), subsection (b), subsection (c), subsection (d), and subsection (e).

The PRESIDING OFFICER. So the Chair understands the request, than you are asking for the yeas and nays

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separately on each one of those subsections?

Mr. SYMMS. That is correct.

The PRESIDING OFFICER. The Senator has that right.

Mr. SYMMS. I ask for the yeas and nays on each subsection.

The PRESIDING OFFICER. I am advised by the Parliamentarian that is automatic with the previous request.

Mr. SYMMS. That was my understanding. Thank you, Mr. President.

Mr. LUGAR. I have a parliamentary inquiry. Will the Senator yield?

Mr. SYMMS. I will be happy to yield to my colleague.

Mr. LUGAR. When the yeas and nays were ordered on the initial amendment, when the amendment is divided, automatically the yeas and nays follow on each section? So there are five yeas and nay situations?

The PRESIDING OFFICER. I am advised by the Parliamentarian that is the situation.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I will be very brief. I note the distinguished Senator, the senior Republican in the Senate, Senator THURMOND, and a very dear friend and one I admire greatly is waiting to speak on this treaty.

Mr. President, my amendment has listed pages and pages of Presidentially certified Soviet Arms Control Treaty and Agreement violations.

This amendment, I might remind Senators, would require the President to certify that the Soviets have corrected these numerous violations before the INF Treaty enters into force.

After hearing these violations, what good is verification if there is no enforcement? Mr. President, one has to wonder "does this mean the Soviets are going to cheat on the INF Treaty?"

Perhaps the most realistic response was one provided by former Secretary of Defense Caspar Weinberger during testimony before the Senate Foreign Relations Committee on February 2:

They have cheated in the past. I think we can expect they will cheat in the future whenever they decide it is in their national interest to do so.

And that is the point, Mr. President. If we allow this treaty to enter into force while the Soviets remain out of compliance with treaties and agreements with the United States, it sends a clear signal to the Kremlin that they can cheat on this treaty as well.

This is a signal we should not send. Indeed, the American people believe that this is a signal we should not send.

According to a recent poll, a majority of the public believes President Reagan should certify that the Soviet Union is adhering to all past arms control agreements before the INF Treaty can take effect—even if this requirement would kill the agreement. Mr. President, 79 percent of the American

people believe that President Reagan should certify that the Soviet Union is adhering to all past arms control agreements before the INF Treaty can take effect, according to a Yankelovich poll of March 1988.

My amendment, the amendment before the Senate right now, would require exactly what a majority of Americans want to see: A Presidential certification as to Soviet compliance with past agreements prior to the INF Treaty going into force.

Specifically, for the benefit of those Senators who did not hear this amendment read, the amendment would provide that:

The INF Treaty shall not enter into force unless and until the President of the United States shall on behalf of the United States have notified the Union of Soviet Socialist Republics that he has certified, after ratification of this Treaty, to the United States Senate that the Union of Soviet Socialist Republics is not engaged in any of the violations, previously certified by him to the United States Congress, of the following Treaties and agreements:

1. The SALT I ABM Treaty (of which the amendment lists 7 Presidentially certified violations);
2. The 1963 Limited Test Ban Treaty;
3. Biological and Chemical Weapons Bans, (of which the amendment lists 2 Presidentially certified violations);
4. The SALT I Interim Agreement, (of which the amendment lists 4 Presidentially certified violations); and
5. The SALT II Treaty, (of which the amendment lists 18 violations of the object and purpose of this agreement).

Let me remind my colleagues, Mr. President, that these are not just violations in the eyes of this Senator. Rather, these are violations reported to Congress by the President of the United States.

These are Soviet violations which we know about; violations which may never be corrected if we do not use whatever leverage we have to obtain such corrections.

This amendment would put it to Gorbachev and his stooges in the Kremlin: "either you fix your violations to previous treaties and agreements, or you don't get our Pershing II's and GLCM's removed from Western Europe and destroyed."

Mr. President, this amendment is not supported by just this Senator, but rather by the majority of the American people. Polls indicate, and I know the polls are accurate in this regard, that the American public does not want to see this treaty go into effect until the President certifies that the Soviets are in compliance with previous arms control treaties. That is exactly what this amendment would do.

I might just recapitulate to say that what this amendment is all about is for the Senate of the United States to go on record to decide whether or not it wants to have the verification of this treaty mean anything. Should the Senate condone Soviet violations of all existing arms treaties, Soviet violations which have been confirmed by President Reagan?

If we do not ask the Soviet Union and in fact insist that the Soviet Union get into compliance with all of the other arms control treaties that they are out of compliance with, then the verification portion of this treaty really is saying that the verification has no enforcement, it has no compliance.

I think, also, Mr. President, what this treaty is all about—this is really a political will amendment. But everyone will come in tomorrow and say this would force the renegotiation of the treaty. This amendment will not force renegotiation of the treaty. It will only require that the Soviet Union fulfill its legal obligations.

I would just like to point out that the Symms amendment does not block ratification of this treaty. It only blocks entry into force until the Soviet Union complies with all existing treaties.

I stated earlier, Mr. President, the fact that the American people by 79 percent in a national poll by Yankelovich, a bonafide polling institution, think that the Soviet Union should be in compliance with their other treaties before we dismantle cruise missiles and Pershing II's from Western Europe.

It will not block the ratification. It will only mean that it will not go into force.

I repeat: 79 percent of the people, from the Daniel Yankelovich Group Polling Co., said that President Reagan should certify that the Soviet Union is adhering to all past arms control agreements before the treaty goes into effect.

To save time for my colleagues, and I might just say to the leadership of the committee, I will be here in the morning at your request to start the disposal of this treaty. I do not anticipate that it will take a long time to dispose of it. I think I have protected myself, the way the parliamentary situation is, and I will be willing to work with Senator LUGAR and Senator PELL, to see how they wish to resolve this issue.

I would like to be able to debate this briefly in the morning. I do not anticipate it will take me very long. I do not have too much more to say. Just to make the point, Mr. President, the Soviets have cheated in the past and I think the Senate and each Senator ought to go on the record whether he wants to go ahead and condone Soviet cheating or not.

It is a choice that each Senator can make and I impugn no motives of any of my colleagues but I think it would be a way for the U.S. Senate to stand up for what the Constitution intended we do on treaties and that is to improve those treaties and improve the body of the treaty. Remember, treaties are permanent, and they are the supreme law of land.

I repeat, this amendment is only an amendment which would make the

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verification portion of the treaty—there would be compliance to it. It does not block ratification. It would only block entry into force until the Soviets get back into compliance on the other treaties.

Mr. LUGAR. Would the Senator yield for a question?

Mr. SYMMS. I would be happy to yield to my friend.

Mr. LUGAR. Let me ask the distinguished Senator. On this side of the aisle we are not certain of what the time situation is going to be in the morning. We at least have heard some informal discussion that the Senator's amendment and his divisions might be the subject for the first vote in the morning, to indicate the presence of Senators.

It may very well be that the distinguished majority leader will offer time for debate. Then again he might not.

So for this reason I think the distinguished chairman of the Foreign Relations Committee would make a comment about the Senator's amendment and I will make a comment this evening so there will at least be some record.

We, of course, then would support, in the event it is the Senator's wish, additional time to debate the issue but we are uncertain.

So I would ask the Senator's indulgence if we were to make comments after the distinguished Senator from South Carolina makes his comments.

Mr. SYMMS. I thank you very much. I understand that. I do not think the majority leader has stated at what time the Senate is coming in but this Senator will find out and I have announced I will be here. I do not anticipate needing much time for myself. Five to ten minutes is all I will need. There may be other Senators on this side or on the other side that wish to address this issue so I do not want to preclude my colleagues but I have no intention to delay the process here.

I think I might just say before I yield the floor, this amendment really will clear the air on this treaty. If the Senate is not willing to make the Soviet Union comply, then I will say the Senate has pretty well spoken, that they are going to go ahead and ratify this treaty no matter what, but at least the air will be cleared on the issue.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, Secretary of State Shultz told the Committee that, "We believe that the INF Treaty stands on its own merits and should not be linked to other arms control agreements or issues."

The INF Treaty improves U.S. security. We should not be in a position of cutting off our nose to spite our face. If the INF Treaty is a good treaty, it should not be linked to other issues. Insistence on such linkage could hinder the achievement of arms control agreements.

In particular, this amendment could make the INF Treaty hostage to a resolution of the Krasnoyarsk radar issue. Secretary Shultz told us that, "We have made known to the Soviets our concerns over the Krasnoyarsk radar in many fora and will continue to press for the resolution of this problem."

I share the concern of many Senators over this Soviet violation of the ABM Treaty, but I believe the administration is now trying to resolve these issues—and we should support their effort.

In truth, if we demand resolution of all of our problems with the Soviet Union prior to entering into arms control agreements, we may never achieve those agreements. The important question is, how does this treaty help our security? Does it help it or harm it? I hope we can discuss this briefly tomorrow, and I look forward to the debate.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the treaty being debated today is the culmination of years of effort. It is a tribute to the resolve of the NATO Alliance, to the negotiators, and especially to President Reagan, whose leadership saw it through to signing last December. The President and our allies proved critics of the ambitious "zero-zero" proposal wrong. In doing so, they reconfirmed the fact that the only way to negotiate successfully with the Soviet Union is to show strength, resolve, and patience.

I would also like to take this opportunity to commend the chairmen and ranking members of the three committees involved in the review of the INF Treaty, especially Senator PELL and Senator LUGAR, the floor managers of the treaty. They deserve high praise for the bipartisan and thorough effort that was put forth in their examination of the treaty's implications for United States and Alliance foreign policy and national security. These past few months have been a model of how both parties can work together in a nonpartisan fashion on important national issues.

The work done by the various committees was also exemplary of the constitutional responsibilities of the Senate in providing its consent to the ratification of treaties. These responsibilities demand no less than pursuing every question, clarifying every ambiguity, and resolving every issue, and that is exactly what has transpired over the past several months. This outstanding work pointed to a number of issues that I will review and ask Members to keep in mind during the ratification debate on this treaty.

We have heard that the treaty before the Senate is of historical importance and precedent. The treaty's on-site verification procedures, for example, are the most comprehensive in

the history of the arms control process. The treaty is also significant because it is the first to eliminate rather than just limit entire classes of nuclear weapons and it establishes the principle of unequal reductions of forces in similar cases like the INF Treaty where the Soviets possess more missiles and warheads than the United States. This principle will be critical for conventional arms control negotiations.

Mr. President, the Armed Services Committee, of which I am a member, concluded in its report on the treaty that there were a number of legitimate concerns about the inclusion of conventional ground-launched cruise missiles in the treaty. As the committee noted, "Advanced technology is the alliance's trump card, and highly accurate, unmanned, long range, stand-off weapons represent a particularly attractive means for redressing the conventional imbalance in Europe." The committee concluded that it was inadvisable to amend the treaty to permit conventional ground launched cruise missiles of INF range, and urged the administration not to allow the INF precedent to foreclose U.S. options for conventional ALCM's and SLCM's in a START Treaty.

During the recent May recess, I traveled to Germany to discuss INF Treaty related issues with senior United States military commanders. Because of my misgivings about the conventional cruise missile issue, I solicited the views of each of the military leaders about the wisdom of amending the treaty to exclude conventional cruise missiles. Without exception, they did not support such an amendment. All pointed to the difficulty of verifying the treaty if conventional cruise missiles were permitted—an argument that had also been made by Joint Chiefs of Staff witnesses before the Armed Services Committee. One general also noted that from his perspective, the significant advantage of eliminating all ground launched missiles of INF range was that the very threatening Warsaw Pact chemical weapons delivery capability against critical targets such as ports, airfields, and POMCUS sites would thereby be curtailed.

The problem over futuristic GLCM's of INF ranges came to have great significance during committee work on the treaty. I disagree with those who assert that this issue was covered in the treaty. The testimony before the Armed Services Committee in conjunction with the negotiating record shows clearly that this issue was not addressed directly, if at all, during the course of the negotiations. If the issue had not been resolved, it could have sown the seeds for treaty compliance concerns in the future. The diplomatic note that Secretary Shultz successfully brought back from Geneva signed by the Soviets does much to resolve this issue.

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Nonetheless, I agree strongly with Senators WARNER and NUNN that to ensure the diplomatic note is an integral part of the treaty, a category III amendment must be attached to the treaty. This amendment would require the concurrence of the Soviet Union. Such concurrence should present no problem since the Soviets have already agreed to the substance of the amendment in signing the diplomatic note. I believe this amendment is a vital requirement to ensure that the common understanding of the two sides on this issue is legally binding on both parties.

While I am not a member of the Senate Intelligence Committee, I commend the efforts of Senators BOREN and COHEN in assuring that important technical details on the verification of the INF Treaty were commonly understood by both parties before the treaty was brought to the floor for the ratification debate. The verification procedures in this treaty are tremendously complicated, and I believe that Senators should be under no illusions that we have seen the last of disagreement between the two sides on such technical issues. As Secretary Shultz characterized the problem of verification, the "devil is in the details."

It is for this reason that I believe that we should not proceed with the signing of a START Treaty, whose on-site verification provisions will be infinitely more complex, until we determine how the INF on-site provisions work. As the recent incident with the nine monitoring problems pointed out, these are complex issues that require careful consideration and negotiation.

Mr. President, on a matter related to verification, I would like to draw attention to an important judgment made by the Senate Select Committee on Intelligence. Specifically, the Intelligence Committee concluded that while the U.S. intelligence community will be able to monitor the INF Treaty, it does so only by stressing our intelligence collection assets. Thus I support strongly the efforts of Senators BOREN and COHEN to obtain additional funding for new collection capabilities to improve our monitoring for the INF Treaty. Such intelligence improvements are absolutely essential to ensure that we have adequate assets to monitor Soviet military developments in the START environment.

At the same time, Mr. President, we should not assume that we can solve all the challenges of monitoring treaty compliance with hardware alone. We must also ensure that our intelligence analysis capabilities keep pace with our technological capabilities. Moreover, our technological and analytical intelligence capabilities must be balanced among the requirements to monitor treaty compliance, to detect legal military developments that could upset the balance, and to support military operations.

Mr. President, this Senate has received a solid record of reports detailing Soviet noncompliance with their

existing arms control commitments. It is against this background that all Senators should consider the treaty that is before the Senate. At a minimum, Soviet violations must be taken seriously if we are to deter future Soviet violations of treaties, particularly with respect to the INF Treaty. While there have been signs of change in the Soviet Union, we should not delude ourselves about the nature and objectives of this regime. We must proceed with caution and demand deeds not words in resolving our outstanding compliance concerns with the Soviets. Moreover, I would like to see safeguards in this treaty to deter noncompliance, and procedures in place to deal with noncompliance should it occur. I understand that my colleague from Wyoming, Senator WALLOP, may be offering an amendment to deal with this latter point, and I look forward to working with him should he offer such an amendment.

Mr. President, I do not believe that we should approach this treaty without some concerns about the impact of the treaty on the NATO Alliance and on the future of the NATO flexible response strategy. In West Germany, for example, an apparent sentiment exists within some political quarters and among the public to remove all nuclear weapons from German soil. If such a movement were to come to fruition, it would have a devastating impact on the alliance and on the flexible response strategy that has kept the peace in Europe for over 40 years. Thus we must ensure that in ratifying this treaty, we do not encourage or permit the elimination of all ground-based NATO nuclear forces in Europe.

This point was very clearly brought home to me in my recent discussions with U.S. military leaders in Europe. Several generals cited recent polls in Europe that found General Secretary Gorbachev to be more popular than the American President. NATO's political and military leaders know that the Soviets must continue to be judged by their deeds and not by their words—and that there is no evidence that the Soviets have abandoned their aggressive goals. Nonetheless, the leaders with whom I spoke say a formidable challenge for NATO leaders to convince their populations that the threat has not diminished, and that the alliance must remain steadfast in meeting that undiminished threat.

My discussions with military leaders about the challenges that the alliance will face in the post-INF period focused on the need for conventional and theater nuclear modernization, and on the need for progress in arms control to limit conventional and chemical weapons. In particular, Mr. President, the military leaders stressed the importance of carrying out the Montebello decision, which predated the INF Treaty, to reduce the European nuclear stockpile while taking steps to ensure that the remaining nuclear weapons are responsive, survivable and

effective. I was pleased that during recent consideration of the fiscal year 1989 Defense authorization bill, the Senate adopted a Sense-of-the-Senate amendment that strongly supported the need to continue with the modernization of theater nuclear forces that will remain in the post-INF period.

Mr. President, I want to emphasize that my support for this treaty is directly related to the maintenance of a strong and modernized nuclear deterrent for NATO and for the United States. This point should not be lost by my Senate colleagues. Nuclear deterrence has kept the peace for over 40 years between the United States and the Soviet Union and it will only continue if our nuclear and conventional posture in both the United States and NATO is credible.

Finally, Mr. President, I would like to express my disapproval of the Biden-Pell amendment regarding the treaty interpretation powers of the executive branch. While I understand and appreciate Senators' concerns about this issue, I believe that the assurances the administration has already provided to the Senate on the authoritativeness of its witnesses are sufficient. Thus, I encourage that this proposed amendment be rejected.

Mr. President, I recommend that the Senate approve the INF Treaty subject to an amendment on the future technology issue. On the basis of the wide-ranging testimony that we have had during the hearings of the Armed Services Committee, the testimony I heard while participating in a number of hearings of the Intelligence Committee, and on the basis of discussions with senior military leaders both here and in Europe, I intend to vote to ratify the treaty, and I urge my colleagues to do likewise.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER (Mr. Ford). The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from South Carolina on his strong statement in behalf of the treaty.

These comments will be directed to the amendment offered by the distinguished Senator from Idaho, Senator SYMMS, which will be the subject, as I understand, of five votes tomorrow morning. I must say to the Chair that this is an extraordinary procedure in that, essentially the same arguments pertain to a list of alleged violations. Nevertheless, I will address these arguments this evening briefly and then we may, of course, have further debate as the majority leader may suggest tomorrow.

The basic point made by my distinguished colleague, the chairman of the Foreign Relations Committee, is very important; that is, linking the INF Treaty to a set of other issues is not in the best interests of our country. The question with the INF Treaty is not that we are doing a favor for the Soviet Union. That really has never

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entered into the mind of our President, our Secretary of State, or the negotiators. We are involved in this process because we believe we are doing something constructive for our security.

Now, to deny ourselves that security with a long laundry list of alleged violations in the past is certainly nonsensical. We appreciate the fact that the Soviet Union has cheated on numerous occasions, and some of those occasions are in the list of the distinguished Senator from Idaho. They are the subject of compliance with the ABM Treaty or on the SALT II unratified treaty or wherever they appear. They are subject to debate with the Soviet Union and to action we may wish to take. We could take the action of leaving the ABM Treaty, for example, or indicating that we would not follow SALT II. These are options available to us, or a whole host of proportionate options.

To deny ourselves a national security option in this manner does not make good sense for our security. I think we have to come to the common-sense conclusion again that this treaty stands on its merits. As Senator PELL has said, it was negotiated on its own merits in the interest of the United States and our NATO allies. Our leaders and the NATO leaders have testified that it is in our best interests. We should not defer obtaining those benefits.

The distinguished Senator from Idaho has said that this is really not a killer amendment; that, in fact, it would not stop the treaty; it would only stop, in fact, the values of the treaty.

Let me just point out that this treaty is top-heavy in favor of destruction of Soviet missile launchers first. They have four times as many.

The point for accelerating that destruction is to move things down to parity in a hurry. That is in our security and the security of our allies. To defer that benefit to ourselves, once again, defies common sense. It should not be done. It is not a question of whether the treaty is killed, although the effect of adopting these amendments, in my judgment, would seriously delay the possibility of any treaty, as clearly as an amendment situation to the text of the treaty required going back to the Soviets and back to subjects that have been the source of a great deal of debate and acrimony in the past, back to subjects that are still under discussion by the Joint Consultative Commission in some cases.

Given the list of both alleged and actual Soviet violations, we certainly need to be vigilant in monitoring what the Soviets are doing in compliance, in particular, with past treaties, but also with this treaty.

I point out, as others have, that this treaty provides the strongest compliance measures of any treaty we have signed with the Soviet Union. We should not deny ourselves on-site in-

spection. That is a very important advance in terms of compliance. We should not deny ourselves the consultative procedures that are part of the treaty for resolving these disputes with the Soviet Union.

In short, the treaty gives us strength in terms of compliance. That, it seems to me would be of some value and some happiness to all Senators as they look at this particular treaty.

We are going to continue to press the Soviets for compliance on other agreements.

I can say from personal experience, having visited General Ellis in Geneva, who now heads our part of the group that looks into these alleged violations, that Americans have been vigorous in pursuing this with the Soviet Union. These are not all cut and dried issues. It is not precisely clear what we would have the Soviets do, even though we allege some circumstances which are totally out of kilter. We shall pursue this vigorously.

We have testimony from the Secretary of Defense and the Secretary of State, before our committee, to that effect. There are clear incentives for the Soviets to comply with the INF Treaty.

The treaty provisions themselves increase very considerably the probability that the Soviets will be caught cheating. One of the values of the so-called zero-zero option is that there are no short-range and no intermediate-range missiles left after these systems are destroyed. It is not a question of picking and choosing which ones were left and whether they were among the chosen.

This totally annihilates the whole lot; and, therefore, if something shows up, it is a clear violation. We have not had that option before, and it is an example of a provision which strongly helps the compliance situation. Finally, the President of the United States had before him all the alleged and actual violations the Senator from Idaho has listed before he signed the treaty. The Joint Chiefs of Staff had that entire list before them before they recommended the signature of the President on these documents. The Secretary of State, the Secretary of Defense, the Director of the CIA, the Director of NSC—a whole host of Americans who are deeply patriotic and deeply interested in our security—know precisely the list of alleged and actual violations. They know the vigor with which we pursued these violations. They also know the values of compliance and enforcement and the security needs that are involved in the INF Treaty. Weighing all these things, they recommended signing, and the President signed.

Each Senator will have to make a judgment as to whether he or she agrees with the President, with the Joint Chiefs of Staff, with the Cabinet officers, with the CIA, and the whole group who have looked at this.

I have heard no argument as to why their judgments, collectively and unanimously, should be upset. I have heard no testimony during this debate as to why any of the heads of the NATO alliance states, apart from our own, would recommend, on the basis of these alleged or actual violations, that they should not have endorsed the treaty. All have, and vigorously.

As a matter of fact, we have had testimony that if the United States were not to ratify, it would be a serious breach of our alliance—more grievous than any of the violations suggested in that list.

For these reasons, Mr. President, I strongly urge Senators to read the RECORD carefully and think through carefully the implications of this vote. I hope that Senators, when they return tomorrow, having read the RECORD of this tonight, and whatever debate we have tomorrow, will vote to reject the Symms amendment or amendments, as the case may be, in the course of the five votes that have been called for. It is a serious set of propositions. They should be rejected, and the treaty should be ratified.

Mr. HELMS. Mr. President, the Senator from Indiana has only one problem, and I think it is a fairly large problem, in his declaration; and that is, according to the Yankovich poll which I have just received today, the vast majority of the American people disagree with him.

I am going to ask in a moment that the entire poll relating to this subject be printed in the RECORD.

On the question whether the American people believe that President Reagan should certify that the Soviet Union is adhering to all past arms control agreements before the INF Treaty can take effect, 79 percent said that it should be required and 16 percent said that it should not be required.

While we are at it, there was another question asked. Let me read the question.

The next step of the treaty is for the United States Senate to ratify it. As a part of their approval of the treaty, the U.S. Senate can require that certain conditions be met before the treaty can take effect. For each of the following, please tell me if you think the U.S. Senate should or should not require that condition be met before the treaty can take effect.

The first condition before the treaty could go into effect was that the conventional forces of the Soviet Union and its allies—which includes their troops, tanks, jet fighters, and the like—must be roughly equal to the conventional forces of the United States and its NATO allies in Europe—rough conventional equality before the treaty can take effect.

Sixty-eight percent of those polled said, "yes"; 25 percent said, "no"; 7 percent said, "I don't know" or refused to answer.

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The next question: "Should President Reagan certify that the Soviet Union is adhering to all past arms control agreements before the agreement can take effect?"

Sixty-one percent said it should be required even if it killed the treaty—even if it killed the treaty, Mr. President, 61 percent; 30 percent said it should not be required; 9 percent said, "did not know."

The interviews were conducted between February 17 and 24 of this year by professional interviewers working from two central, supervised locations. The typical interview required approximately 30 minutes to complete.

Respondents were chosen from among all households in the continental United States on the basis of random probability sampling procedures which took into account unlisted telephone numbers. The sample was stratified according to census regions, States within census regions, and counties within States. Interviewers observed gender quotas so that 52 percent of the sample is comprised of women and 48 percent is comprised of men. Each respondent was screened for his or her voting status, and only registered voters were included in the study. Only registered voters, Mr. President.

I mention these facts because there has been from the very beginning a predisposition to put down, to ridicule, or to declare as frivolous or false anybody who questioned this treaty.

I went through a little bit of that on the Foreign Relations Committee. So did Senator PRESSLER. The Senators on the other side even established at one point what they called a Helms watch to refute all of these alleged inaccuracies.

They may have concluded that they were fooling everybody, but this poll shows that they fooled nobody.

All I have said from the very beginning is that if this treaty is good for the United States, fine. But just because the State Department and a few lackies who support the State Department say it is good does not make it good. And that is the point.

I do not think the American people left to their own judgment, even with the news media being so preponderantly biased in favor of this treaty, are being fooled by it. I have often said that the American people by instinct will do the right thing and make the right judgments and this Yankelovich poll seems to indicate that that is again the case, and I am very gratified at the results of the poll. Once again, despite the media barrage aimed at them, the American people have not been fooled.

Mr. President, I am reminded that 10 years ago Senators ignored the will of the American people in voting to give away the Panama Canal.

Senators who ignore the will of the American people with regard to Soviet cheating on arms control treaties do so

at their own peril, but more importantly they put at risk their country.

I ask unanimous consent that the entire poll relating to the treaty be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YANKELOVICH POLL ON THE INF TREATY

STUDY BACKGROUND

The findings summarize the results of a national telephone survey among 1,004 registered voters completed under the direction of The Daniel Yankelovich Group, Inc.

Interviews were conducted between February 17 and 24, 1988, by professional interviewers working from two central, supervised locations. The typical interview required approximately 30 minutes to complete.

Respondents were chosen from among all households in the Continental United States on the basis of random probability sampling procedures which took into account unlisted telephone numbers. The sample was stratified according to census regions, states within census regions, and counties within states. Interviewers observed gender quotas so that 52% of the sample is comprised of women, and 48% is comprised of men. Each respondent was screened for his or her voting status, and only registered voters were included in the study.

The results have been sample balanced to reflect the proper age, sex, race and geographic region of all registered voters throughout the United States. Adjustment weights were applied to ensure comparable results with the first two ATS surveys. In theory, in 19 cases out of 20 the findings based upon such samples will differ by approximately 3 percentage points from what would have been obtained from interviewing all registered voters throughout the country. The possible error for subgroups is somewhat higher.

Two versions of the questionnaire were employed in this study. In both versions we asked the same six items in Question 10, but the actual order in which the questions were asked differed from one version to the other. The two versions were alternated across representative half-samples of voters.

A copy of the questionnaire, showing question wording and placement, is included in this report. The questionnaire copy also includes the results to each question along with trend data where available. The report also includes selected cross-tabulations of the results by several political and social groups.

SPLIT SAMPLE—VERSION I

Q. The next step of the treaty is for the U.S. Senate to ratify it. As a part of their approval of the treaty the U.S. Senate can require that certain conditions be met before the treaty can take effect. For each of the following please tell me if you think the U.S. Senate should or should not require that conditions be met before the treaty can take effect. (Randomize 1-3)

(In percent)

	ATS March 1988		
	Should require	Should not require	Don't know/refused
1. That the conventional forces of the Soviet Union and its allies, which includes their troops, tanks, jet fighters, and the like, are roughly equal to the conventional forces of the United States and its NATO allies in Europe before the treaty can take effect.....	68	25	7
2. That the Soviet Union remove its restrictions on Jews who wish to leave the Soviet Union before the treaty can take effect.....	60	34	6
3. That President Reagan certify that the Soviet Union is adhering to all past arms control agreements before the treaty can take effect.....	79	16	5

Now I'm going to repeat each of the conditions you indicated the U.S. Senate should require. For each, please tell me if you would still favor the Senate requiring it, if that meant it would risk killing the INF Treaty and, therefore, there would be no elimination of intermediate range nuclear missiles based in Europe and the Soviet Union.

AMONG THOSE FAVORING CONDITION IN Q.10a.

(In percent)

	ATS March 1988		
	Still require it	Do not require	Not sure (volunteered)
1. That the conventional forces of the Soviet Union and its allies, which includes their troops, tanks, jet fighters, and the like, are roughly equal to the conventional forces of the United States and its NATO allies in Europe before the treaty can take effect.....	70	23	7
2. That the Soviet Union remove its restrictions on Jews who wish to leave the Soviet Union before the treaty can take effect.....	72	22	6
3. That President Reagan certify that the Soviet Union is adhering to all past arms control agreements before the treaty can take effect.....	77	19	4

NET TOTAL

(In percent)

Even if condition would kill INF Treaty	ATS March 1988		
	Should require it	Should not require	Not sure (volunteered)
1. That the conventional forces of the Soviet Union and its allies, which includes their troops, tanks, jet fighters, and the like, are roughly equal to the conventional forces of the United States and its NATO allies in Europe before the treaty can take effect.....	47	40	13
2. That the Soviet Union remove its restrictions on Jews who wish to leave the Soviet Union before the treaty can take effect.....	43	47	10
3. That President Reagan certify that the Soviet Union is adhering to all past arms control agreements before the treaty can take effect.....	61	30	9

Mr. WIRTH. Mr. President, the treaty between the United States and the Soviet Union to ban medium and shorter range nuclear missiles represents an historic step in the annals of arms control. This treaty is significant for two reasons. First, both parties have agreed to eliminate an entire class of nuclear weapons from their arsenals. Second, the parties to the agreement have accepted mutual intrusive verification. Both are signifi-

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cant more for the precedent they establish than for the number of weapons they actually eliminate, especially in relation to the total numbers of nuclear weapons in the arsenals of each nation.

By now it is well known that this treaty eliminates only 4 percent of the nuclear weapons of the United States and Soviet Union. There were some who testified before the Committee on Armed Services and the Committee on Foreign Relations as those committees considered this treaty—and, no doubt, we will hear the same strains again during floor debate on the treaty—that the elimination of the weapons involved in this treaty will weaken NATO. Based on my own private discussions with senior NATO commanders and the treaty negotiators, participation in virtually all of the Armed Services Committee hearings on the treaty, and attendance at many of the Foreign Relations Committee and Select Committee on Intelligence hearings, I am persuaded that this is not the case. I share the opinion of the President, the Secretary of Defense, the Secretary of State, the chairmen, ranking members, and the great majority of the membership of the Armed Services and Intelligence Committees, and the chairman and the majority of the membership of the Foreign Relations Committee, that this treaty is in our national security interest and that it should be ratified.

As I have already noted, the treaty we are now considering formally on the Senate floor is precedent setting. For the first time we and the Soviets agree to eliminate a whole class of nuclear weapons. The United States will eliminate 859 deployed and nondeployed missiles and 429 deployed warheads; the Soviets will eliminate 1,752 deployed and nondeployed missiles and 1,687 deployed warheads. All United States and Soviet longer range INF missiles must be destroyed within 3 years; all short-range INF missiles are to be destroyed within 18 months. None of the eliminated missiles may be converted to other types of missiles or transferred to other countries.

Of equal significance in my mind, Mr. President, is the verification regimen that accompanies this agreement to remove and destroy the INF missiles. These verification provisions, some of which are already being implemented, include data exchanges, onsite monitoring of elimination of missiles, and onsite inspection of remaining missiles until they and associated facilities are eliminated.

The onsite inspection provisions, especially those involving challenge inspections of sites where suspected violations have occurred or are occurring, are of particular significance. These provisions, like the challenge inspections agreed to by the signatories of the Stockholm agreement on confidence- and security-building measures and disarmament in Europe of September 1986, lend credibility to the

treaty. U.S. and allied officers who have participated in challenge inspections under the Stockholm agreement have been enthusiastic in their support for the process and report that the inspections have proved to be more valuable than they initially expected. I predict that the challenge inspections for which the INF treaty provides will be equally valuable and will strengthen confidence in our ability to enforce the treaty and identify and publicize any attempts at circumvention.

Our participation in the ratification process now underway is not, and must not be seen as, a rubber stamping of the treaty forged by administration negotiators. This process is the embodiment of the constitutional principle of the balance of powers between the executive and legislative branches. The executive branch, of course, must take the lead role in foreign policy, especially in the negotiation of treaties with other sovereign States, diligently striving to assure that the Nation's best interests are represented in the negotiated treaties and that all potential trouble spots are identified and resolved before we sign or the Senate is asked to ratify the treaties. For the Senate to fulfill its constitutional mandate, its devotion to its ratification mission must be equally painstaking. The Senate must be fully satisfied that the testimony of administration witnesses on the negotiation process and its decisions represent the official interpretation of the treaty into which we are entering and that that interpretation will stand for the life of the treaty. Any other interpretation undermines our ability to advise and consent in this or future ratifications. Indeed, any other interpretation calls into question the validity of all treaties now in force.

As we consider this treaty we should make every reasonable effort to judge it on its own merits. We should avoid the temptation to use this ratification process to extract commitments from our Government on future negotiating positions or condition our approval on the outcome of coming events beyond our control. Nevertheless, this process cannot and should not occur in a complete vacuum. In particular we cannot ignore our concern regarding Soviet commitments to human rights and fundamental freedoms. While we cannot compel the Soviets to adhere to their expressed willingness to move forward in this area, we are obligated to remind the Soviet Union at every opportunity that progress on human rights will help improve relations between our two countries.

In conclusion, let me reiterate my conviction that this treaty is in our national security interest. It marks an historic point on the road to eliminating weapons of mass destruction while assuring security for our Nation, its people, and its democratic form of government. There are risks involved in any arms agreement. We must be pre-

pared to take reasonable risks to reach our goals. I am satisfied that ratification of this INF Treaty is worth the minimal risk I believe is entailed. Ratification of this treaty opens the door to further negotiations on nuclear force reductions as well as conventional arms control measures. We must not shrink from this opportunity to open the door and move through it in pursuit of more comprehensive agreements that offer the possibility of significant arms reductions. I support this treaty, I intend to vote for ratification, and I urge my colleagues to do so as well.

SUPPORTING EXECUTIVE AMENDMENT NO. 1680
TO THE INF TREATY RESOLUTION OF RATIFICATION

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of executive amendment No. 1680 to the resolution of ratification. Our decision on this amendment is, in my view, as important as our decision on this treaty. This amendment is about human rights, but, in a larger sense, it is about the establishment of lasting world peace.

This is so because the conflict between the Soviet Union and its satellites and the United States and its allies is based not upon the weapons both alliances have built and deployed—but rather upon fundamentally opposed values. To the extent that the Soviet Union begins to really respect the human rights and fundamental freedoms of its own citizens, the risk of war between our societies is measurably reduced.

Now, values is a neutral word. It can mean anything. In fact, many people hold the view that it is somehow wrong to say that some values are preferable to others, and to judge other societies on the basis of those values. I strongly disagree.

Let us look at the values in question here. I quote now from the amendment itself:

The freedom of thought, conscience, religion, and belief, without regard to race, sex, language, religion, or national origin.

The recognition and respect for the rights of individuals, including those belonging to national minorities, to enjoyment and practice of their cultures, heritage, history, and national consciousness.

The right of freedom of movement for individuals within the Soviet Union and the right to leave the Soviet Union, without arbitrary and capricious barriers, and

The right of individuals to know and act upon their rights and duties in—the Helsinki Final Act, the Madrid Concluding Document, the Universal Declaration of Human Rights, and other international human rights agreements to which the Soviet Union is a signatory or party.

We recognize that these rights fall short of our belief that every human being has, as an integral part of his or her identity as a human being, the rights to life, liberty, and property, and that all other rights and freedoms flow from these inalienable rights. We have developed an elaborate, time-tested structure of constitutional and

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legal safeguards for these rights and freedoms, based upon the fact that the power of the state exists to protect and serve the individual—not the other way around.

Regardless of the shortcomings of the rights recognized in these international agreements, Soviet respect for them in law and in practice would represent a step away from its current nature as a lawless, totalitarian dictatorship ruled by the iron whim of its current masters, and toward a modern constitutional state of limited powers affording real protections to its citizens. Such movement is at least as important to the future of world peace as is any possible arms reduction agreement, including the INF Treaty itself.

The problem we face is simply this. So long as the Soviet Union remains a closed society, obsessed with secrecy, guarding itself not just against invading foreign armies, but also against foreign ideas, no disarmament regime, however strict and detailed, will remove the danger of war. So long as the Soviet Union is ruled by a hierarchy which is accountable to no one but itself, it can engage in lies and deception, in aggression and subversion, allocating its massive resources to serve secret ends.

We have the lessons of history to guide us. After World War I, Germany was substantially demilitarized. Yet, after Hitler assumed power, secret preparations were made to build a forbidden Air Force, to build a forbidden Navy, to build forbidden tanks, and to dramatically expand the army beyond the limits set in the treaty that ended World War I. Hitler's Germany proceeded to do all of those things, hidden behind curtains of totalitarian secrecy.

What if the Soviet Union agrees to join with us in massive, cooperative disarmament? Does that end the threat of world war? Clearly, it does not. So long as the Soviet Union remains a closed, one-party state, dedicated to an ideology that preaches world dominion and the ultimate triumph of communism, the threat of war remains real.

Arms reduction agreements have their place. I support this treaty and I intend to vote for its ratification. I believe that carefully crafted, verifiable, and enforceable arms reduction agreements can help reduce tensions and contribute to world peace.

However, we must not deceive ourselves that arms reduction agreements are the road to world peace. The road to peace lies in ending those conditions that threaten war. The accumulation of weapons is, in this context, not the most important threatening condition. Rather, opposed values and goals imbedded in societies are key conditions.

The conditions that threaten war are integral parts of the Soviet Government and official Soviet ideology. These conditions are, to a significant extent, contradicted by Soviet human

rights promises. When the Soviet Union begins to live up to those promises, these conditions will be reduced and the chances of lasting peace will be enhanced.

By voting for this amendment, we will tell the whole world that we recognize that arms reduction cannot, by itself, bring peace to the world. We must reduce tensions by achieving real respect for the fundamental values shared by all civilized nations. The Soviets are a prime human rights offender, having engaged in sustained and massive violations since the inception of the Soviet state.

By adopting this amendment, we will tell the Soviet leadership that we view human rights as a very important, indeed, fundamental aspect of our relationship. We will tell them that we cannot be swept off our feet by the rush of some Soviet "peace offensive." We want real, lasting peace, not merely a period of temporary relaxation doomed to be followed by another cycle of aggressive Soviet expansion.

The President is traveling to the Soviet Union this week, for a historic summit meeting in Moscow. I understand that he will press our human rights concerns in his meetings. Positive Senate action on this amendment will strengthen his hand.

The Vienna Review Meeting of the Conference on Security and Cooperation in Europe is nearing its conclusion. The negotiators are entering the final phases of shaping its concluding document. If we pass this amendment, we will lend strength to the Western position, helping assure that further progress will be made toward establishing a comprehensive international human rights regime.

If, however, we do not pass this amendment, we will tell the world that Soviet peace offensives work—that weapons, which are merely the tools of conflict, are more important than values, that are the roots of conflict. We will tell the Soviets that they can disregard the President's representations on human rights, because the Congress of the United States doesn't really share those values. We will tell our allies that our traditional leadership on human rights issues is a sham, because when the time comes for action, we can find reasons to turn aside and remain passive.

This issue is critical. It goes to the future of United States-Soviet relations for the balance of this century. If this amendment passes, the Senate will tell the next President, whomever he may be, that the four-part approach to our relations is sound and strong and rests upon a bipartisan foundation.

These four parts—bilateral issues, regional issues, arms reduction, and human rights, must be pursued in parallel, and real progress must be made in each area in order for our relations to see lasting improvement. If we don't pass this amendment, it will be clear

to all that some parts of the four-part policy are really important—and some can be disregarded. This is clearly not a signal we would want to send.

Mr. President, I call upon my colleagues to join with me in support of this agreement. This amendment is not a killer amendment. It does not require reopening negotiations. It should, I strongly believe, receive our unanimous support.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that I may be permitted to speak out of order for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMBASSADOR FIELDS

Mr. DOLE. Mr. President, America has lost one of its finest representatives in any international forum. Last Tuesday Ambassador Louis G. Fields, Jr., passed away, days before he would have celebrated his 59th birthday.

Lou served in the Army in Korea, and continued as a dedicated public servant in times of peace. Early in his career he served as administrative assistant to Virginia's Senator A. Willis Robertson.

But it was in foreign affairs that Lou Fields truly made his mark, defending America and Americans with skill, dedication, and courage.

As assistant legal adviser at the Department of State, Lou relentlessly sought to bring terrorists to justice. He was so effective that a number of terrorist organizations vowed to eliminate him. But a man of his mettle could not be deterred by such threats.

Early in his first term, President Reagan recognized Lou's character and ability in appointing him as America's representative to the Committee on Disarmament. Gradually, Ambassador Fields convinced the world community that an entire class of weapons could be eliminated, but only with strict verification. And many in this Chamber will remember his tireless efforts to explain that America must negotiate from strength to achieve this goal.

Many said it could not be done, but today the Soviet Union, its allies, and a host of others are working off the Lou Fields agenda for a verifiable worldwide ban on chemical weapons.

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Lou was indeed a statesman, but his family, friends, and colleagues will remember him as an inspiration.

Sometimes he had to deliver bad news or unvarnished truth, but somehow he always had the respect and friendship of everyone he dealt with. Few people pass from this world with as many expressions of sorrow from every corner of the globe.

Those who had the privilege of working for him, such as Dave Smith on my right, remember him as a coach who taught, advised, and encouraged them to go on and make their own mark.

America will miss the services of Ambassador Louis G. Fields, Jr., but today it is far more important that his wife, Kitty, and daughter, Fran, know that we will miss the friendship and warmth of Lou Fields, our prayers are with them and with Lou.

ON LEARNING TOO MUCH FROM EXPERIENCE

Mr. MOYNIHAN. Mr. President, in the first of this series of floor statements on the question of drug abuse in the United States, I spoke of my experience in ending the French Connection, as it was called, the heroin route from central Turkey to southern France to New York City which began at least as early as the 1960's, and which was associated with the heroin epidemics in New York, Washington, and other cities at that time.

I am aware that there is, and will be, a more than advisable element of the first person in these statements. Still, I plead necessity, more than imprudence. It happens I am the only Member of the Senate who has served in the executive branch, in the Cabinet. It was as a member of the Cabinet that I met in Paris on December 11, 1969 with the head of the French Surete. I am also the only Member of the Senate who has served as an ambassador, to India and to the United Nations, and I have been at the meetings and conferences at which the international drug trade is worried about, as it has been this past quarter century. In truth, most of the present century, albeit at much lesser levels of intensity. When JOHN GLENN or JAKE GARN speaks of space on this floor, I listen. They have been there. When ALAN CRANSTON or FRANK LAUTENBERG speaks of human rights, I listen. They have been there. When JOHN CHAFEE or JOHN MCCAIN speaks of war, I listen. They have been there. It simply happens as I think that I am more or less alone in having been involved with narcotic matters on the executive side and so I speak in the hope that I may be heard also.

And so to part two.

Which presents a simple, but central proposition.

Recall that in our first statement we noted the distinction—a rough but usable distinction—that is made between hard and soft societies. Turkey and France were, are, hard societies. If the central government of either can

be brought to make a decision, that decision is likely to be carried out. That "if" is important. It is because there will be consequences that it is not always easy to get decisions. At the other end of the spectrum, decisions—which is to say agreements—are easily to be had because no one has then to take on the worry of doing anything. Not long ago, on behalf of the Committee on Foreign Relations, I brought two International Labor Conventions to the Senate floor. This was the first time in a third of a century that the Senate had taken up an ILO treaty, and it would be only the ninth time in our long membership, which goes back to 1934, that we ratified a treaty. I defended our reticence on the ground that when we did agree to a labor convention, we abided by it, noting that in the world at large there is, unhappily, almost an inverse relation between real labor standards and the number of ILO conventions a country will have adhered to.¹ I well remember the look in the faces of the French, which is to say, Parisian officials as we outlined our irreducible demand that they clean out the heroin laboratories of Marseilles. A long way off, Marseilles. Semi-independent since it began life as a colony of the Greek city of Phocaea in 600 B.C. And yet, if necessary . . .

And so it having come to pass that one source of heroin supply was closed down, true to Secretary Shultz's model—as economists say—another source of supply, in time many other sources, came onto the world market. This is to say Mexico, as mentioned earlier.

If I may be indulged one slight digression, I would point out that during the 1960's a heroin source developed involving opium produced in the so-called Golden Triangle where Thailand, Burma, and Laos meet. I never learned how heavy a traffic this was, and I suspect a good deal was marketed among American troops then in Vietnam. Even so, or you might say especially so, it came to our attention in the White House. I recall one meeting in the Situation Room—yes, this was a war on drugs—when the then-Director of the Central Intelligence Agency volunteered that he would arrange to have the suppliers "roughed up" a bit. I do not know what followed. Do not need or even want to know. Because I knew then. Nothing could or would happen. You do not "rough" up 5 million peasants in a jungle terrain on the other side of the world. You may knock over a cart here, empty a basket there. But you don't live there. They do. In time you are gone. They stay.

Further, with time, a new/old drug appeared. Cocaine. As with heroin, cocaine was a widely used drug in pre-prohibition times, if I can use that term. It was isolated by a German

chemist named Albert Nieman in 1860 from the coca leaf, which grows in a vast region of South America, and which from before Inca times has been chewed as a mild stimulant much as Americans, Italians, and Germans drink coffee. Cocaine soon was widely used in America. From my youth I recall a folk tune:

Waked up El-lum
Come down Main
Tryin' bum a nickel
For to buy cocaine.

And, of course, in the Great Secret of America's Age of Innocence, cocaine was the active ingredient in Coca Cola from the 1890's until 1903. Honey, have a Coke on me.²

I said earlier that I would present a "simple, but central proposition." It is this. In dealing with the appearance of new sources of heroin supply, and sources for a newly popular drug, that is to say cocaine, the U.S. Government set about trying to cut off the supply in exactly the way we had successfully broken the French Connection.

There is nothing unusual in this. Mankind's woeful history is filled with the misfortunes of those who try to emulate earlier successes in later, changed circumstances. To use that economists' term, we now had a model of how to break an international drug flow. We had knocked out the Turkish-French traffic. Moreover—and here students of government will want to pay close attention—we now had an institution, the Drug Enforcement Administration, which was created in 1973 in the context of that success with Turkey and France. This was its basic learning experience, if I can use a term from psychology. And why not? Organizations learn how to behave when they are young, and it is something awful to try to change them later on.

And that is our trouble to this day. The "model" of Turkey and France simply did not apply to the new countries we were soon to be dealing with. Mexico is not a hard society. Neither is it soft. It is somewhere in between. So, if I may interject, are we. In respect to these matters. If we were a sufficiently law-abiding society, surely we would not have the drug epidemic that now plagues us. If I am not mistaken, the main problem with Mexico in this regard is that its police and military institutions are simply not disciplined enough to resist the extraordinary temptation to be corrupted by drug traffickers. This is an elemental circumstance in a developing nation, much less an underdeveloped one. In 1983, I visited Pakistan for a number of reasons, including a look at the just-beginning heroin traffic coming out of the northwest frontier provinces, and Afghanistan. I met with President Mohammad Aiz-ul-Haq to tell him of our concern in this matter and also to state as plainly as was ap-

¹ Number of ILO Conventions ratified: Bolivia—39, Colombia—47, Cuba—86, Honduras—20, Jamaica—25, Mexico—66, Nicaragua—58, Paraguay—33, Peru—64.

The ILO has executed a total of 166 conventions.

² Ronald Siegel, Dept. of Psychiatry and Biomedical Sciences, University of California at Los Angeles, "New Patterns of Cocaine Use," National Institute on Drug Abuse Monograph #61, 1985.

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off with artificial barriers against rapid turnover—like a tax on securities held less than a year? Brokers and investment bankers are understandably eager to regain credibility by hanging the villains responsible for the crash. But so far, they're hanging the wrong ones.

[From the Washington Post, May 17, 1988]

FURTHER CRASHOLOGY

In the seven months since the stock market crash, no consensus has emerged in the country or in the government about the reforms—if any—that the market requires. The president's Working Group on Financial Markets, in its report yesterday, chose to limit itself to a few basic recommendations on which the administration and the regulators could agree quickly and easily. Recognizing that legislation this year is unlikely at best, the working group is relying chiefly on changes in rules by the regulators and by the exchanges themselves to make the improvements that it thinks most immediately necessary. They won't greatly alter the way the markets work, but some of them will be useful.

In his first shocked response to the crash, President Reagan set up a commission under former senator Nicholas Brady to carry out a post-mortem. Mr. Brady and his colleagues, all major figures in the world of business and finance, proposed last January a series of changes that amounted to a tightening of regulation. The administration backed away uneasily and a couple of months later set up the working group headed by undersecretary of the Treasury George D. Gould, and including the heads of three regulatory agencies, to decide what it was actually going to do. Its verdict is that while a lot of things went wrong in that chaotic week, it's hard to demonstrate convincingly that the markets' structure or practices aggravated the crash. The debate now is chiefly over the hypothetical question of what might happen in a future crash.

Probably the most important of the working group's recommendations involves tightening the intricate process of clearance, by which brokers and banks settle accounts with each other. A failure there could quickly turn into the kind of catastrophe that is the regulators' nightmare, in which a falling market causes failures and bankruptcies that begin to destroy businesses and jobs far removed from the financial industry.

Since October there has been vast and continuing complaint from brokers and investors that the markets have become intolerably and dangerously volatile. But the working group replied—and here it is dead right—that it really can't do much about volatility and ought not to try. Extremely volatile markets are inevitable in the kind of economy Americans have built for themselves in the 1980s. In a country with huge budget deficits and a dramatically unstable currency exchange rate, it is idle to hope that financial markets can be stable. There are remedies for the continual heart-stopping lurches through which the markets have been moving recently, but those remedies lie far beyond the reach of regulators and presidential working groups.

EXTENSION OF MORNING BUSINESS

Mr. SIMON. Mr. President, I ask unanimous consent that morning business be extended an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

ABE STOLAR—PART VIII

Mr. SIMON. Mr. President, I rise again in behalf of the citizen whose picture is right in back of me, Abe Stolar, an American citizen, 75 years old, who is in Moscow today. He wants to leave. He was born in Chicago in the State that Senator Dixon and I represent.

When he was a young man, 19 years old, his father, and this was in the depths of the Depression, thought communism in the Soviet Union was going to be paradise and this was the answer for them.

They went over to the Soviet Union. His father, a few years later, was killed by Stalin. His mother and sister were taken off to Siberia. He never saw them again. He is over there today and talks like a Chicago citizen. You do not expect to see that walking into an apartment in Moscow.

Abe Stolar, an American citizen who, incidentally, voted by absentee ballot in the last election for President of the United States—voted for Ronald Reagan for President of the United States—wants to come back and leave the Soviet Union with his family. It is not asking too much that this be done. The summit meeting is coming up, and right now is the time when it ought to take place.

I see the Presiding Officer asking me why can he not leave? Well, that really is the question: Why can he not leave?

We have been working on this case for some time. In theory, the Soviets say you can leave, but you cannot take your family with you. Well, he cannot do that, and so there is, for example, a technicality. The mother of his daughter-in-law asked to be assured that if something happened, she would have financial support. We have guarantors in the Soviet Union and in the United States who are willing to provide that. Let Abe Stolar and his family leave the Soviet Union.

I also sent a cablegram to our Ambassador to the Soviet Union, Jack Matlock, asking that the President meet with Abe Stolar while he is over there. It so happens the President and Abe Stolar grew up in Illinois about the same time. They are both Cubs fans by background. I think they would find a great deal in common. But here is an American citizen who wants to leave with his family. Let him leave.

I want to improve relations between our countries. That is where we are going on this INF Treaty, but good relations between the Soviet Union and the United States involve not only arms control agreements, they involve people. I hope that the Soviets will do the sensible thing and let Abe Stolar and his family come to the United States.

Mr. President, Abe Stolar longs for the day he will see the city of his birth, Chicago, once again. But Abe remains in the Soviet Union because the Soviets will not allow his daughter-in-law, Julia, to accompany the rest of the family. On previous days, I have told Abe's story and about his strong desire to leave. Today, I want to focus on why the Soviets are using Julia Shurukht Stolar as the reason to keep the entire family in Moscow.

Julia's mother has refused to sign a financial waiver. Soviet law requires that a parent be adequately provided for in times of financial need. The Stolars believe Julia's mother's pension would adequately cover her retirement needs. However, I can understand the concern over being left without any support in the face of a crisis. The Stolars understood this concern as well and offered an alternative plan. They did not want Julia's mother to waive her right to her daughter's support. They proposed instead that her daughter's support be insured by a secondary source. This person or entity would assume a formal, official commitment to supporting Julia's mother in case a court declares her in need of such support and establishes the sum to be paid.

The response from the United States was immediate. Several financially sound individuals offered themselves as guarantors. Still, the need for financial waiver exists as a reason for not allowing Julia to leave.

The Soviets can settle this case if they want. The time to allow the Stolars to leave as a family is long overdue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to resume consideration of executive Calendar Order No. 9, which the clerk will report.

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Mr. President, I ask unanimous consent that the summary section of the working group's report, and copies of the Washington Post and New York Times editorials be included at this point in the RECORD and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERIM REPORT OF THE WORKING GROUP ON FINANCIAL MARKETS

I. INTRODUCTION AND SUMMARY

On March 18, 1988, the Working Group on Financial Markets was established by Executive Order to provide a coordinating framework for consideration, resolution, recommendation, and action on the complex issues raised by the market break in October of 1987. The Working Group was charged with developing effective mechanisms to enhance investor confidence, to protect the quality and fairness of markets for all participants, and to preserve the continued orderliness, integrity, competitiveness, and efficiency of our nation's financial markets. This is an interim report on our progress, actions, and recommendations.

From the beginning, the Working Group has had the benefit of a number of useful studies, notably the Report of the Presidential Task Force on Market Mechanisms (Brady Report) and separate studies by the Securities and Exchange Commission (SEC), Commodity Futures Trading Commission (CFTC), General Accounting Office (GAO), and others.

The Working Group reached early agreement on a number of important premises for our deliberations.

The existence of large debt and equity portfolios held by institutions and the increased level of principal activities by investment firms have led to increased demand for portfolio hedging strategies and market liquidity.

It is unrealistic (and perhaps counterproductive) to try to undo the changes in financial markets or market strategies brought about by improvements in telecommunications and computer technology.

The role of fundamental economic forces should be emphasized when evaluating the October decline. Stock prices prior to the collapse had reached levels that seemed to be in excess of those justified by real earnings potential and reasonable discount factors. The inevitable reassessment of economic fundamentals by market investors was an important part of the selling pressure and price decline in October.

The size and speed of the decline initiated by fundamental reevaluation of equity values was exacerbated on October 19 by a number of factors:

Volume overwhelmed trade processing capacity;

Many participants pulled back from the markets because of fear and shock—and because of uncertainties and concerns over (i) the accuracy and timeliness of information, (ii) counter-party solvency, (iii) credit availability, and (iv) de facto, ad hoc market closures or other market disruptions.

The financial system came under great stress in the credit, clearing, and settlement area.

The Working Group agrees with the Brady Report conclusion that the stock, options, and futures markets are closely linked.

The priority goals of the Working Group, therefore, have been to address the major uncertainties and to focus on reductions in possible systemic risk. In this respect, the Working Group followed the agenda estab-

lished by the Brady Report, which also assigned first priority to the systemic risks identified during the market break.

As a result, the Working Group was able to concentrate its initial efforts on developing the most important system protections, in close consultation with self-regulatory organizations and market participants. The Working Group's conclusions and recommendations, more fully described in the body of the Report and its appendices, are as follows:

1. A "circuit-breaker" mechanism should be put in place that operates in a coordinated fashion across all markets, using pre-established limits broad enough to be tripped only on rare occasions, but which are sufficient to support the ability of payment and credit systems to keep pace with extraordinarily large market declines.

2. A significant number of important initiatives should be implemented in a timely fashion to improve further the operation of the credit, clearing, and settlement system—beyond the notable and valuable changes the markets have made already. Although these initiatives are complex and technical, they would result in highly significant improvements in the vital linkages within the credit markets.

3. Current minimum margins for stocks, stock index futures, and options provide an adequate level of protection to the financial system. Prudential maintenance margin percentages required for carrying an individual stock should be significantly higher than the percentage margin required for a futures contract on a stock index.

4. Contingency planning, including the continuation of the Working Group, is an important, ongoing responsibility that the Working Group members are implementing.

5. Capital adequacy is being addressed in material ways by the markets and should continue to be reviewed and improved whenever necessary.

6. Markets already are making—and should continue to make—significant efforts to enhance the operational capacity of trade-processing systems and to improve the fairness and quality of order executions for all investors, large or small.

7. The Working Group should continue to function as a coordinating and consulting mechanism for intermarket issues.

The Working Group can continue to be effective by monitoring the progress of its recommendations, by serving as a consultative and coordinating forum, and by expediting resolution of the remaining issues. The Working Group also believes that the structural weaknesses exposed by the October break can be overcome through cooperative efforts of the relevant government agencies, self-regulatory bodies, market participants, and the Congress.

[From the New York Times, May 15, 1988]

THE WRONG VILLAINS ON WALL STREET—QUICK FIXES DISTRACT FROM REAL REFORMS

Pressed by corporate clients, Salomon Brothers and Morgan Stanley & Company finally caved last week. They announced that they, along with three other large firms, would give up program trading for their own accounts. This delighted Wall Streeters, desperate for ways to prove that the demon had been slain and that it's safe for investors to test the market waters again.

But this "voluntary" ban on program trading won't tame price volatility on the market. Neither will the New York Stock Exchange's proposed "circuit-breaker" limiting daily price movements. Not only are such devices and slogans unlikely to be ef-

fective; worse, they distract attention from two fundamental reforms:

Little attention has been paid to the question of how best to protect the banking system from another securities panic.

Even less attention is devoted to the deeper malady—the failure of markets driven by speculation to funnel capital to its most efficient uses.

A half-trillion dollars in stock value accumulated over a year vanished in a few days last October. How could productive companies lose so much of their worth in a matter of hours? The best guess is that they were overvalued before the crash.

It now appears that big institutions, mostly mutual and pension funds, kept on buying stocks long after prices had reached levels that could not be justified by earnings projections. Their miscalculation: assuming that automated hedging techniques would enable them to lock in profits when every potential buyer was ducking for cover.

It is not likely that computerized trading deepened the fall. But traders' reliance on "derivative" stock-index securities probably did accelerate the process, forcing regulators to make minute-to-minute decisions without adequate information.

Luckily, the crash proved self-limiting, and the loss of hundreds of billions in paper wealth had little real economic effect. There's even reason to believe that this panic reduced the probability of another one. After Oct. 19, few institutions are likely to rely on hedging strategies to protect them when a speculative bubble bursts.

But the crash did leave big brokers wounded and defensive. Customers have lost their taste for the trading game. Volume, and profits, are way down. It's no wonder that Wall Street is looking for fixes, ways to restore faith that the dice aren't loaded. Everybody's favorite fixes, daily trading limits and a ban on "index arbitrage," probably wouldn't do any harm. But they won't do much good, either, in reducing week-to-week volatility.

Some insiders understand this, but still press for the rules because they wish to avoid more costly changes—higher margin requirements, for example—that might be imposed by Congress. Meanwhile, the fundamental issues raised by the October debacle remain unexamined. Securities trading is tied to the banking system by lines of credit. Major brokerages routinely borrow billions of dollars, backing their debts with securities. But during the panic, plunging stock prices badly frightened the banks. Some were said to be about to call their loans. That would have forced brokers to liquidate huge portfolios, inflaming the panic and, conceivably, triggering a run on the banks and the dollar.

Swift intervention by the Federal Reserve saved the day and probably would again. That's a relief, but it's no guarantee against the spread of infection. Congress and the regulators ought to be scrutinizing how to insulate the financial payments system from a sudden knockout punch.

Perhaps most disheartening, the crash has generated virtually no debate on the economic value of highly liquid securities markets. Technology and deregulation have dramatically cut the cost of buying and selling securities in two decades.

The resulting explosion in trading by big institutions created jobs and profits for Wall Street. But the "easy-in easy-out" spirit fostered a gamblers' culture, perhaps widened speculative swings in stock prices and surely distanced owners of stock from the management of corporations.

Is all that liquidity worth the consequences? Or would the economy be better

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The assistant legislative clerk read as follows:

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES

The Senate resumed consideration of the treaty.

Mr. BYRD. Mr. President, I believe the state of play at the moment is that excepting unanimous consent the Senate would have to continue the reading of the memoranda of understanding and protocols?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I am hopeful that there will ultimately be no objection to dispensing with the further reading, but I have discussed with Senator DOLE the situation as of now. He will be in a position to state what that situation is. My request would be otherwise, that the further reading of the memoranda and protocols be dispensed with.

Let me propound that request and then Senator DOLE can reserve.

Mr. President, I ask unanimous consent that further reading of the memoranda of understanding and protocols be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, reserving the right to object, we have one Senator, Senator HELMS, who I do not think would have any objection to our getting unanimous consent to proceed if we reserved all of his rights including points of order, which would permit us to go ahead and continue to make opening statements. I would be constrained to object to that request. If the majority leader would request that we proceed reserving points of order and all rights of each Senator, I would have no objection to that. That would protect Senator HELMS.

Mr. BYRD. Very well.

Mr. DOLE. He will be back in about 45 minutes.

Mr. BYRD. Very well. I modify the request as follows: That there be dispensation of the reading of the memoranda of understanding and the protocols for 1 hour, and that in the meantime all Senators' rights are reserved, no points of order are waived, and that the Senate may proceed with debate on the treaty.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I should state that the Senators have been in discussions with respect to reaching an agreement on the D'Amato amendment.

What I have to say here has to do with business in legislative session.

I am told that progress is being made but that it will require probably another 2 hours at the conclusion of which time hopefully there can be an

agreement which would allow the D'Amato amendment to be taken off, put aside from the DOD authorization bill, and allow final vote on that bill at some point later today.

So I hope those discussions will continue to go forward and will be fruitful. In the meantime, if Senators who have opening statements on the treaty would proceed, that would accommodate the interests and the time of the Senate.

I thank the Republican leader.

Mr. DOLE. I thank the majority leader.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, let me also indicate that I have been meeting this morning, as the leader has, with key Senators on our side who are going to be responsible for moving the treaty forward. In our case, the ranking member of the Foreign Relations Committee, Senator HELMS, is opposed to the treaty. I have asked therefore that Senator LUGAR, the second ranking member on our side on Foreign Relations, assume control of the debate along with this Senator, and that also the ranking Republican on Armed Services, Senator WARNER, and the ranking member on Intelligence, Senator COHEN, will be active in areas that affect their committees, just as the chairman on the other side will be active.

Then Senator SIMPSON, who has been sort of the coordinator on this side of the aisle over the past several months and during a brief absence when I was away from the Senate, will be participating and will be helping us on this side. Obviously, those opposed have all the rights they would have had. We want this treaty to receive consent ratification, and we want to make certain that we can accommodate the President, unless there is some startling development that nobody is aware of.

So I want to thank my colleagues for their willingness to participate and cooperate as they always have.

I also urge Republicans to come to the floor. We have an hour now for opening statements. This is a good time to make opening statements. For those who have not done so, I think this is a propitious time.

Mr. BYRD. Mr. President, will the distinguished Republican leader agree on 2 hours? I think we ought to have an equal division of time on debate, and at least for the opening statements. So that can indeed be equal. Would he agree to having 2 hours of debate equally divided between the two leaders or their designees on the treaty?

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, I yield my time to Senator FELL.

Mr. DOLE. Would that extend the other matter for an hour?

Mr. BYRD. No. It has nothing to do with that.

Mr. DOLE. I see.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. DOLE. I designate Senator LUGAR to control the time on this side.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I would like to take this opportunity to thank the distinguished Republican leader for convening the meeting, and I would like to thank my colleagues, the distinguished ranking Republican member of the Armed Services Committee, Senator WARNER, and the distinguished ranking member of the Intelligence Committee, Senator COHEN, and obviously, the Republican whip, Senator SIMPSON, for pledging to work together to coordinate staff work in behalf of our side of the aisle in support of the INF Treaty.

We look forward to working with our leader. We look forward to participating in the constructive debate and expediting the procedures. I simply want to take this opportunity to thank Senator DOLE for making this designation clearly so we are all organized for debate.

I thank the Chair.

Mr. WARNER. Mr. President, before the Senator steps down, I think it might be helpful to other Senators to be aware of the fact that as designee of the Republican leader now, we are going to set up sort of an informal staff arrangement. From my staff will be Brian Dailey, who has been on the Armed Services Committee and Gary Sojka, who served for me on the Intelligence Committee.

The reason we mentioned it, these two particular men, indeed Mr. Dailey, has spent incalculable number of hours on the record, which is housed in security in the Hart Building. I think other Senators and members of their staff could expedite their independent examination of this record and such other parts of the treaty background as they deem necessary by simply talking to one or two of these staff individuals who spent the last month on this subject.

Mr. LUGAR. I thank the distinguished Senator.

I appreciate, likewise, the expertise that he and his staff bring, and their participation in the oversight group. The Senator has been going to Geneva long with others of us for the past 3 years, and it shall be incalculable in its value as we proceed.

I thank the Senator.

Mr. WARNER. The Senator might mention the staff individual that he suggests.

Mr. LUGAR. I will indeed.

I would like to designate Ken Myers who has been another staff person on this group, and Charles Andrae and Andy Semmel of my staff who also will be devoted to this joint group.

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I would like to ask the distinguished Senator from Maine if he would care to mention staff members that will be involved?

Mr. COHEN. I thank the Senator from Indiana.

At this point, I would designate Jim Bodner of my staff to coordinate with the group.

I may have an additional one or two who have been active during the course of the deliberations in the Intelligence Committee. But Mr. Bodner would be the one I select at this time.

Mr. LUGAR. I thank the Senator. Dave Smith, obviously, of the leader's office, has been most helpful in bringing this together and will contribute to the staff.

Mr. WARNER. If we might make it clear, these designations certainly are for the purpose of not preempting others but to indicate that here are persons who have spent very considerable amount of time and therefore to avoid duplicative effort on behalf of other Senator staffs, they are available to assist other Senators.

Mr. LUGAR. That is correct. I thank the Senators.

I thank the Chair.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield as much time to the distinguished Senator from Wyoming as he may require for an opening statement.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I rise in support of the Intermediate Nuclear Forces [INF] Treaty. The signing of the INF Treaty by President Reagan and General Secretary Gorbachev in Washington on December 8 of last year was a historic occasion. The INF Treaty is really very much a success story for the Reagan administration. This treaty eliminates the entire class of United States and Soviet intermediate range missiles and is a direct consequence of the President's steadfast commitment to achieving meaningful arms reduction. Under past arms control treaties both parties have usually only merely limited the increases in nuclear weapons. This treaty is very different in that regard because it does call for significant reductions in both nuclear forces.

The INF Treaty is also a success story for NATO because it demonstrates solidarity among the members of this important treaty organization. The NATO members have "hung together" through thick and thin in responding to the threat created by the deployment of the Soviet SS-20 intermediate missiles. In times past, members of the press, the public, and Congress have criticized the Reagan administration for deploying Pershing missiles in Europe. It was said that this deployment would only escalate the arms race and it would never induce the Soviet Union to negotiate reductions in nuclear arms. However,

this conventional logic proved to be incorrect and the deployment of Pershing missiles can now be viewed as one of the most important inducements for the Soviet Union to engage in meaningful arms control.

The treaty provides for the elimination of all United States and Soviet intermediate range missile systems with the range between 500 and 5,500 kilometers. In addition, the treaty calls for elimination or conversion of any related defense facilities within 3 years after the treaty is in force. The treaty bans all production and flight testing of these missiles immediately upon entry into force, and after elimination is completed, the treaty will ban all facilities for deployment, storage, repair and production of these lethal missile systems.

President Reagan has always argued that we must have arms control treaties that can be effectively verified or we ought not to have any treaties at all. In this view, the INF Treaty contains the most stringent verification provisions in the history of arms control. They are not perfect provisions—but they are provisions which will enable the United States to determine the quantitative and qualitative nature of any Soviet cheating should it occur.

The INF Treaty provides for an unprecedented exchange of data on systems limited by the treaty, including numbers, locations, and technical characteristics of all INF missiles and launchers. Uniquely, it requires short-notice onsite inspection at INF-related sites during the 3-year reduction period and for 10 years afterward. The treaty will require resident inspectors at key missile final assembly facilities and includes a prohibition on interference with verification by national technical means, including satellite monitoring. These provisions will help to ensure confidence in the agreement by deterring violations of the treaty, and will permit timely detection of violations in order that the United States can take appropriate steps to protect U.S. and NATO security.

When all is said and done, it will be seen that the INF Treaty actually strengthens U.S. and NATO security. That is why I am in favor of Senate ratification. The treaty will result in the Soviet Union eliminating deployed systems capable of carrying more than 1,500 nuclear warheads. This establishes the precedent of the Soviets undertaking greater reductions to reach equal arms levels with the United States. In addition, the treaty also plans any future deployment of INF missiles, including the newly developed Soviet ground-launched cruise missiles. Deployment of these cruise missiles would have seriously complicated the air defense of NATO countries. Elimination of the Soviet intermediate range missiles should enhance the survivability of NATO forces by eliminating one of the most effective weapons against key NATO targets.

While these systems have been eliminated, NATO will retain a substantial nuclear capacity sufficient to ensure that the strategy of flexible response is continued.

As I have stated often before—the treaty is not perfect—but it is in the best interest of NATO and the United States. We will now need to reexamine the composition of our conventional and short-range nuclear forces in order to ensure that we have the responses necessary to deter a Soviet attack in Europe and this will take some readjusting of our conventional and nuclear postures. The Congress stands ready to provide funding for whatever modernization measures are needed to adjust to the post-INF environment.

Having signed the INF Treaty, President Reagan continues his determined efforts to achieve a safer world, including more negotiations for deep reductions in strategic intercontinental nuclear weapons and a greater balance in conventional forces in Europe. The signing and ratification of the INF Treaty is only the first step in this commendable and commonsense effort.

Mr. President, I think this is a most singular thing to proceed here today on the INF Treaty. I want to thank Senator BYRD for his persistent review of this situation. I have observed that, as he readied himself for this opportunity, and listened carefully to his leaders within the ambit of the issue as he does, carefully considering their rights, responsibilities, and their wishes. Senator DOLE has been superb—and most patient and providing real leadership. Senator NUNN, Senator PELL, who has done a superb job, I commend them; Senator NUNN, who is the observation tower as he has watched this so carefully; my fine friend Senator BOREN, too, and their ranking members. For the first time in my tenure in the U.S. Senate I have a very fine sense of bipartisanship on one of the most critical foreign policy issues we have, because I see Senator LUGAR working so well with Senator PELL. I see Senator WARNER working so closely with Senator NUNN. I see Senator BILL COHEN working so well with Senator BOREN.

Those are such critical things, and that is, of course, what makes the Senate operate at its optimum.

So I as a member of the coordinating group from our side of the aisle—as the coordinator of that group want to also thank very much Senator HELMS who we know has a very serious opposition to this treaty; and his is a very authentic and honest expression of that. He has expressed that very clearly. He feels very strongly. I have another person whom I am very close to, my fine colleague from Wyoming, Senator WALLOP, who feels equally as strongly about this treaty and the necessity for knowing what we are

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headed into with the nation we are headed into it with.

Their thoughts and their observations will be carefully considered by this Senate. That is important for us all.

But I have great admiration for those who have served as the coordinating group on this side of the aisle. That has consisted of representatives of the Foreign Relations Committee, Senators LUGAR, HELMS, PRESSLER; from the Armed Services Committee, Senators WARNER, QUAYLE, and WILSON; and from the Intelligence Committee, Senators COHEN and SPENCER; and then the representatives of the observer group who, all of them, have spent several occasions in Geneva; Senator STEVENS, with probably the finest institutional memory on this entire issue of perhaps any of us; Senator WALLOP, again here is my friend on the observer group; Senator DOLE, who of course has done yeoman's work in this area and is ready now to cap that great effort; and my friend Senator NICKLES. I commend them all on their efforts.

Hopefully, we will arrive at something. I do not like to set a timetable. That is not my nature. I have learned that long ago around here. Someone will put a microphone under your snout and say, "When do you think this will pass?" I have never been able to answer that, and I would not attempt to do so now.

We all know there is a certain timetable, and that is the summit. Yet, we should not feel pressured. I agree with Senator BYRD that we should not move in a way which would not be appropriate.

To me, the most significant development in recent days and weeks and months was a report from Gen. Colin Powell, the National Security Adviser, which was rendered to Senator BYRD in his office last Friday. He reported to us the resolution—at least, I think the hoped for resolution—of issues such as futuristic weapons, weapons delivery systems, the nine points of verification, what we intended to try to prove with regard to SS-20 production and SS-25 production. It was a very important meeting. I think General Powell is doing his work in a very remarkable way, and he inspires trust and confidence on both sides of the aisle in his work.

I think there is not a person here, whether involved on one side or the other of this issue, who is not deeply impressed with the way our Secretary of State, George Shultz, and Foreign Minister Eduard Shevardnadze seem to do their business. They have an excellent rapport and friendship, if you will, that does not have anything to do with giving up things or selling out or getting into uncomfortable agreements or alliances. They deal directly and honestly and up front with each other. Once they met, about the things we considered and reviewed and found rather disturbing things in

these last days, those things were then resolved.

I certainly strongly support the ratification Intermediate Nuclear Forces Treaty. The signing of that treaty was done on December 8, 1987. The people of America watched that. They know we did that. I think they wonder just a bit why we cannot get at the issue of ratification—and now we are doing that.

In my mind, it is only a very small first step but a very necessary one, as we reduce a number of systems from actual production and remove them from actual existence, where we fire them downrange and rid ourselves of those—about 1,800 of theirs and 900 of ours, and much more to come. It is a small, minor step. It may not seem to be to some. Some think it is no step. Some think it is dramatic. I think it is just the first step.

I want to congratulate our NATO members, who have hung together through thick and thin in responding to the threats over the past years about deployment.

Mr. President, I conclude by saying that this, to me, is a most common-sense approach. It seems to me that the two superpowers who concluded a war in which they were on the same side in 1945 should do this—for we had never had the Soviet Union as an enemy in war. They are surrounded by countries that have been their enemy in war. We have not been one of those. It seems to me that in 44 years of talk since that war, finally there is a little dual point of convergence which is very important to capture at this time. There never has been a better opportunity to capture it.

After 44 years of doing nothing but talking and drafting treaties which were never signed, and trying to implement treaties which were never ratified, and going through all the things of détente and nondétente and iron curtains and freezes and the whole panoply of activity, that finally, instead of talking the talk, we are walking the walk; and the walk is that the United States of America and the Senate will ratify this intermediate nuclear forces agreement and that the Soviet Union will remove itself from Afghanistan. It is happening. That is actually before our eyes.

It seems to me that that is more progress than I have observed in my time in politics or out of politics. By the end of this year, we will have ratified this treaty, they will have removed themselves, or be in the final stages of removing themselves, from Afghanistan, and then we can get toward the most critical thing that confronts both our countries, and that is peace. That should be done by the reduction of strategic nuclear arms, and it will be done with the START Treaty, and it will be done by the reducing long-range weapons that we know are there and this must be done.

Then we can watch our fellow superpower go through the stages of peres-

trokia and glasnost, which the General Secretary, himself, refers to as an irreversible course.

I have had the remarkable opportunity to have visited personally with the General Secretary for nearly 8½ hours in the past 6 months. He deals in his pungent way, a very earthy man, and he is remarkable to deal with. He is a pretty tough cookie. But it is better to be dealing with someone like that, who is direct and throws it right on the table and tells it the way it is, rather than some of the things we have gone through in diplomatic dancing in years past.

He said: "You better hope it works, too, because perestroika, if it doesn't work, throws us back into the eternal enemy image with each other."

I am not naive. I am not at all one who believes we should accept anything—but we should keep talking. It matters not what the agenda. We have a President who is doing that with the General Secretary, and we have a Secretary of State who is doing that with Eduard Shevardnadze, their Foreign Minister. Now we have our Secretary of Defense talking with their top defense person, and we have our military talking with their military.

Finally, for the first time, this is not just physicists talking to physicists or politicians talking to politicians or leaders talking to leaders. There is one group in every society that locks the secrets deep in their bosom, and that is the military. Finally, even they are laying it on the table, as to what is the mission of the NATO Pact and the Warsaw Pact, what is the doctrine of defense, what is the defensive system, what is flexible defense. Once those things are all displayed and discussed across the broad spectrum, we will make progress.

This then is a first step toward what I think will be an exciting time for both countries, and it will never come at a more appropriate time because of the present lay of the land. Lets move on.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield such time to the Senator from Kansas as she may require.

Mrs. KASSEBAUM. Mr. President, I should like to join my colleagues in supporting the ratification of the treaty.

We have already heard this morning and yesterday afternoon comments from the leaders on both sides of the aisle who have been very thoughtful and dedicated in their efforts to help us arrive at this particular point, as has President Reagan in the executive branch. I think he has provided the leadership and dedication to see this achievement finalized in this ratification debate. Since President Reagan signed the treaty in early December, it has undergone an extensive and thor-

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ough review by the Senate Foreign Relations Committee, as well as the Committees on Armed Services and Intelligence. There have been over 70 appearances by administration witnesses and over 1,300 answers for the record supplied by the administration during this time.

One of the clearest messages from these hearings has been that the INF Treaty is certainly an important achievement and in our national security interests. It is the successful outcome of a two-track policy adopted by NATO in 1979 to meet the threat of the Soviet deployment of the SS-20 missile. That policy included a commitment to deploy intermediate-range systems and a commitment to negotiate an arms control agreement.

The deployment decision was not an easy one for us or our NATO allies. Faced with large protests throughout Europe, our allies, under very difficult political circumstances, stuck to their commitment. The INF negotiations were also laden with frustrations which peaked with a Soviet walkout in 1983 as the United States deployment went forward.

The result has been that NATO determination on both tracks has led to an arms control agreement that not only removes the threat of the Soviet SS-20's, as well as shorter range systems, but achieves this goal through asymmetric reductions at a ratio of 4 to 1 in favor of the NATO alliance. All of our major objectives in the negotiations were attained, including the goal that the limitations on INF systems be a global one.

The INF Treaty also goes far beyond previous arms control agreements with its extensive verification provisions which enhance our ability to make sure the Soviets are not cheating. It is impossible to cross every "t" and dot every "i" but the treaty has been overwhelmingly endorsed by our NATO allies, and I will join with many of my colleagues who have already done so in urging that the Senate complete its ratification responsibilities in time for President Reagan's trip to Moscow.

I would also caution that the treaty should be kept in perspective. We should welcome the INF agreement as an achievement which signals the ability of the United States and the Soviet Union to work together when we have a common interest. It does not signal, however, a dramatic change in our competitive relationship, nor a diminishing of the challenges the Soviet regime poses to our national security concerns around the world.

Although the reductions of nuclear systems under the INF accord are the first major reductions to take place under an arms control framework, it is important to underscore that they will not change the basic nuclear relationship between the United States and the Soviet Union. The INF accord only affects 4 percent of the nuclear weapons worldwide. The fact remains that we have many important issues still

outstanding with the Soviet Union which can only be handled by a careful mix of determination to maintain our defenses and flexibility to negotiate.

Implementing the INF Treaty will also take hard work and a willingness on both sides to resolve compliance and verification problems effectively and constructively over the life of the treaty. Our experience since the early 1970's has demonstrated that arms control does not necessarily play a positive role in the overall superpower relationship. If compliance questions are allowed to simmer and remain unresolved, arms control can serve to undermine this relationship.

As I mentioned earlier, the INF accord has more detailed verification provisions than any previous arms control agreement negotiated. While these provisions will, on balance, positively strengthen the verification regime, they also open up many more areas for differences between the two sides.

Over the past several weeks, we have seen key verification problems and the problem of the limitations on futuristic weapons successfully resolved. I believe these problems were resolved mainly because the executive branch worked very closely with Congress on a common approach and the United States and the Soviet Union addressed the issues with a willingness to resolve them constructively. The Soviet Union must be put on notice that the ratification of the INF Treaty is the beginning, not the end, of the need to have constructive arms control policies.

These are not the last interpretation or verification issues that are going to be raised under the INF accord. In dealing with future compliance questions, I believe we must be willing to draw lessons not only from the past couple of weeks but also from our experience with arms control over the past 15 years.

During the hearings, many of us raised questions about what the framework would be for the two sides to address compliance issues as they arise. One of the most important lessons that can be drawn from our experience with the Standing Consultative Commission under the SALT regime, in my view, is that the forum worked when the United States and the Soviet Union demonstrated the political will to resolve problems. It failed when either side was only interested in gaining political advantage.

In the months and years ahead, it will also be important for Congress to play, not an inflammatory role on the compliance issues, but a serious oversight role in monitoring these accords. Executive-legislative cooperation is going to be critical if the arms control regime under INF is going to remain viable and avoid the pitfalls that have occurred in the past 15 years.

One of the debates that will take place on the floor, the debate on treaty reinterpretation, is also going to

strike at the heart of the issue of executive-legislative cooperation. I believe this is a very important issue because there can be no confidence between the executive and the Senate, if the executive acts on the basis that it has the authority to reinterpret treaties after ratification is completed.

Last year, I supported Senators NUNN, LEVIN, and BIDEN in their efforts to address this issue. I recognize that the current formulation of the Biden resolution causes concern among many of my colleagues. I would urge that we try to reach a bipartisan resolution of this issue and certainly I will work and I know others are working to try to find such a solution, one being the Senator from Indiana, Mr. LUGAR, who is heading the efforts on this side of the aisle.

Mr. President, the INF accord is not a panacea, but an important first step. As we look beyond INF, we must continue to be willing to reach agreements and resolve differences with the Soviet Union where we can. At the same time, we must be willing to recognize that there will be disagreements. As President Reagan has said—it is a period of realistic engagement.

I yield back the floor, Mr. President, and suggest the absence of a quorum. The PRESIDING OFFICER. Does the Senator from Indiana yield time for the purpose of a quorum call?

Mr. LUGAR. Mr. President, I ask unanimous consent that the time of the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the distinguished chairman yield 3 minutes to me?

Mr. PELL. Mr. President, I yield 3 minutes to the majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEALTH BOMBER PROGRAM

Mr. BYRD. Mr. President, I am a longtime supporter of the Stealth bomber, or as it is becoming known, the B-2 Bomber Program. This program has been kept shrouded, successfully, in secrecy for many years, and is on the verge of becoming a reality. The Air Force has announced that its maiden test flight will occur this fall. There have also been indications that the costs of the program have escalated somewhat, and that is a matter which needs very thorough review—costs need to be kept from escalating.

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I will continue to be a strong supporter of the program because it sharpens our technological edge and keeps the Soviets on the defensive, keeps them off balance, requiring them to expend precious resources to defend against it. The program helps maintain our technological superiority and keeps the superpower balance from getting out of hand.

Mr. President, although the details of this program have been well protected for many years, there was a piece in the New York Times of Monday, which was very extensive. The article is long and contains a great deal of specific information on the capabilities and characteristics of the aircraft. I cannot vouch for its veracity. However, I have sent a letter to Secretary Carlucci asking him to investigate whether there have been any leaks of classified information.

The information may be completely inaccurate. But, I think an investigation is needed, and that is the purpose of my letter.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

OFFICE OF THE MAJORITY LEADER,

Washington, DC, May 17, 1988.

HON. FRANK CARLUCCI,
Secretary of Defense,
Washington, DC.

DEAR MR. SECRETARY: On yesterday, May 16, 1988, a long article, which I enclose, appeared in the New York Times, entitled "Stealth Bomber Takes Shape: A Flying Wing and a Crew of Two." A great deal of very specific information was included in this piece concerning the characteristics and capabilities of the new bomber which I believe has not previously been publicly available.

I have been a very strong, longtime supporter of the Stealth system, and of the need to protect the specific information about that system. While I cannot vouch for the veracity of the information in the news article, I am very disturbed over the length and specificity of that article.

I ask that you initiate an immediate review of the piece with a view toward any damage which may have been done to our national security as a result of its publication. I would also like to know if you can determine how any leakage of classified information may have occurred, and what steps you recommend be taken to limit any future possibilities of security breaches regarding this vital military program.

I appreciate your attention to this matter.
Sincerely,

ROBERT C. BYRD.

[From the New York Times, May 16, 1988]

STEALTH BOMBER TAKES SHAPE: A FLYING
WING AND CREW OF 2
(By Richard Halloran)

WASHINGTON, May 15.—After eight years of secrecy, a public portrait of the Stealth bomber is taking shape: an airplane with the range and sophistication to roam elusively over enemy territory for repeated attacks with only two fliers aboard.

The new bomber, a flying wing built of epoxy composite to elude detection by radar and other sensors, has been designed for

both nuclear and conventional missions. It is to cruise at subsonic speeds, allowing a 7,500-mile range without refueling, and at altitudes from 50,000 feet down to a few hundred feet above ground.

The first flight is scheduled for this fall, and two years of strenuous testing will find out what it really can do. If all goes well, this, the first operational plane, officially called the B-2, will go on alert in 1992.

Since 1980, when plans to build the Stealth bomber were first disclosed, the Defense Department has guarded all operational and technical details about the airplane. Even round figures about its cost have been hidden in annual military budgets. But an accurate, if general, description of the new bomber has been pieced together from information that Congressional aides, aviation specialists and experts on nuclear warfare have managed to gather. That description has now been confirmed for the first time by authoritative Government officials.

Perhaps most surprising, the Stealth will be flown by only a pilot and a weapons officer, using advanced electronic and computerized controls and instruments. A crew of four, like that in the new B-1 bomber, had been expected.

The crew of two underscores the advanced technology of the plane. Training that crew will also be less expensive. To bring an Air Force pilot to a level of training where he is considered fully combat-ready costs about \$6 million. The crew of two further cuts costs by holding down weight in the plane, plus investment in ejection seats, protective armor, instruments and controls.

STEALTH BOMBER PORTRAIT TAKES SHAPE

The Stealth bomber has been designed to fly more than 7,500 miles without refueling. This is not unusual for a long-range bomber—one version of the B-52 can go 8,000 miles, for instance—but it is a longer range than has been speculated for the Stealth. To achieve the range, speed has been held to subsonic levels; at supersonic speeds engines gulp fuel. With aerial refueling, the plane will be able to cruise over enemy territory for repeated strikes rather than dashing in and out like the B-1, whose range is less than 7,500 miles. The Air Force's Strategic Air Command has 99 B-1's and 263 B-52's.

The flying wing has been designed to carry a full range of bombs and missiles to attack targets ranging from strongly fortified underground command bunkers to moveable targets like missiles and radar on rail cars.

While intended primarily for nuclear strikes, the bomber could be loaded with conventional, high-explosive bombs for surprise attacks. One Stealth bomber, for example, could have carried the same bomb load as the 13 FB-111 fighter-bombers in their raid on Libya in April 1986.

"NOTHING IS TOTALLY INVISIBLE"

Five more bombers are being built, with 132 planes to be finished before the end of the century. The first operational planes will be based at Whiteman Air Force Base in Missouri, where 34 hangars, one for each plane, are to be built to screen them from Soviet satellites and prying eyes. Two other bases are to be picked later; they, too, will be inland to allow maximum warning for any Soviet missiles launched from submarines off the coasts.

The total cost of the 132 Stealth planes has gone up to about \$50 billion from the original estimate of \$36.6 billion, in 1981 dollars. That has brought the cost per plane to \$378 million, as against \$200 million for a B-1, in the same dollars. The Air Force has

said it is recalculating the cost and will announce new figures this summer. Northrop is the prime contractor. General Electric builds the engines, while Boeing and LTV provide components.

In recent days the Air Force has released a tad of information about the bomber, making public an artist's concept. Air Force officials have denied criticism from within the aerospace industry that the rendering was inaccurate and meant to deceive the Soviet Union and others who might want to counter or copy the technology.

Gen. Larry D. Welch, the Chief of Staff of the Air Force, said, "Everything you see in that representation, if it's there, is right." Many details were omitted from the portrait.

Air Force officers are already planning for the bomber's operations. Tactics and intelligence must be good because, as one official said, "nothing is totally invisible."

Radar screens have become increasing dense, and not only in the Soviet Union. Many developing nations have respectable radar networks with which trained operators could detect a Stealth plane flown carelessly.

To enable a crew of two to fly and attack in the Stealth bomber, the cockpit has been simplified. Many instruments, navigational devices and gauges that monitor electronic and hydraulic systems have been eliminated in favor of displays by cathode ray tube, like a computer screen.

LESS NEED FOR JAMMING

Instead of being confronted with an array of instruments, many seldom used, the fliers can display information as required. "You call it up when you need it," said one knowledgeable official.

Electronic devices to jam enemy radar or deceive it with false images need not be as elaborate as they are in the B-1 because the Stealth's shape and material have been designed to do the same thing. Such devices have also been among the most troublesome problems in developing the B-1. The B-1 takes four aviators—pilot, co-pilot, offensive officer and defensive officer—and the older B-52's six fliers: two pilots, two offensive officers and two defensive operators.

Although there had been speculation that the bomber would be supersonic, the Air Force has kept it just below the speed of sound, which is 750 miles an hour at sea level and more at higher altitudes. Not only does this extend its range, it also reduces heat emissions detectable by infrared sensors.

The four-engine plane would be able to fly from New York to San Francisco and back without refueling. But like other long-range bombers, it would depend on aerial tankers to get to distant targets, perform its mission and fly home. One sortie to the Soviet Union would take two or three refuelings, two on the way and one on the way back when the plane is lighter.

AVOIDING BETRAYAL BY TANKERS

The tankers, however, could be spotted on Soviet radar, which would betray the presence of the Stealth bombers. The first refueling would therefore be a high altitude, out of Soviet radar range, the second at low altitude under the Soviet radar screen.

The Stealth bomber would be able to carry 75,000 pounds of bombs or missiles, compared with the larger B-1's payload of 125,000 pounds. The weapons include B-83 nuclear bombs dropped by parachute to allow the bomber to escape before detonation above or on the ground, and cruise missiles with stealth technology and a range of 2,300 miles.

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Another weapon, a new short-range attack missile under development, or SRAM II, would be used to destroy targets, chiefly radar sites and fighter air bases, ahead of or to the side of the bomber. The missile has been designed for pinpoint accuracy at a range of more than 150 miles.

The bomber would be able to carry nuclear bombs being developed by the Air Force to penetrate the earth before exploding. Current missile warheads cannot do that because they have been designed to explode in the air or on contact with the ground. The Pentagon, in its recent annual assessment of Soviet military power, emphasized Soviet construction of deep underground bunkers to protect political and military leaders.

ABILITY TO FIND THE OVERLOOKED

The Stealth bomber could also be used against underground targets in the Soviet Union, like communications centers, built into the south side of a mountain where they could not be hit by American missiles coming over the North Pole. The bomber would go around to shoot a nuclear missile into the mouth of the bunker.

The bomber, whose range lets it loiter over a target area, could search for things missed by American satellites and missiles: intercontinental ballistic missiles and radars on rail cars or trucks. To do this, the bomber is equipped with a powerful radar to look down and pick them out. Since such radar, emitted steadily, could betray the bomber's presence, the radar will be emitted in short bursts.

In planning, Air Force officers are seeking to take advantage of the Stealth, the B-1 and even older B-52 bombers. In one scenario, Stealth bombers would be armed with nuclear bombs and SRAM II attack missiles, B-1's with nuclear bombs and B-52's with cruise missiles, which are essentially flying torpedoes.

The B-52's would go first; about 1,500 miles from the Soviet border, they would launch cruise missiles toward radar sites and fighter bases, then turn back. Next would come Stealth bombers, which would destroy the remaining radar and airfields with SRAM II's then hit underground command posts with bombs. Last, B-1's with heavy bomb loads would strike military concentrations and arms factories.

"SECURITY HAS BEEN GOOD"

So far, the Soviet Union has shown little interest in building new radar or other sensors to detect Stealth bombers, and American officials said this was puzzling. Perhaps it reflects a Soviet belief that a nuclear war would be fought with intercontinental missiles, not bombers.

The officials also said the Soviet Union had shown only moderate interest in developing its own stealth technology, although the Russians have sought to find out what the Americans have been doing. One official said, however, "The security has been good because you have to know what to look for."

Knowledgeable officials also said they doubted that Stealth bombers would come up in arms control negotiations. "What are they going to give up in a bargain?" an official asked.

Designing the Stealth has been a fitful but long-term process. General Welch said the testing of new components at every step led to "fairly extensive redesigns." That "took several months longer than we expected and it cost considerably more," he said. But he said, "We really haven't had any significant design changes in the past 18 months to 2 years."

STRONG AND ABSORBING

Stealth bombers are made of an epoxy composite that absorbs rather than reflects

radar and that is lighter and, when laminated, stronger than many metals. The smooth shape of the flying wing, with no discernible fuselage or protrusions, further deflects radar. Antennae and probes, like wind speed monitors, are embedded within the wing.

The engines are not radically new designs but improvements of existing turbo-fan jet engines, for greater fuel efficiency, reliability and life. The engines are mounted in tunnels atop the wing to hide the revolving blades that would otherwise show up on radar.

The exhausts are also hidden, at the other end of the tunnels, where cold air is piped in to mix with the hot exhaust gas, thus cooling it before it is released into the air. This makes detection by heat sensors difficult.

PADDING ON THE INSIDE

Inside the aircraft, most equipment has been padded to absorb radar rather than reflect it. The weapon bays, all internal, are also padded. Bomb and missile casings are being made of composite rather than metal.

Flight stability has long been a worry for Stealth aircraft; at least two F-19 Stealth fighters are known to have crashed. Flying wings, sometimes called deltas, which have been tried since World War II, because they present little resistance to the air, have been notoriously unstable in flight and not produced because of that.

The new elements here are advanced flight sensors that record every move of the plane and transmit that information to a computer. It, in turn, orders controls—turning on small gas jets, for instance—to right the plane. The pilot, who might not feel tiny moves that could become dangerous, just watches.

Mr. BYRD. Mr. President, I yield the floor.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The Senate continued with the consideration of the treaty.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from Illinois [Mr. DIXON].

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank my friend, the distinguished manager, the senior Senator from Rhode Island, for his accommodation.

Mr. President, at the outset, I want to say that, as a member of the Senate Armed Services Committee, I share

the committee's assessment of this treaty. The Armed Services Committee, along with the Foreign Relations Committee and the Intelligence Committee, conducted a long, arduous, and deliberative series of hearings into every aspect of the proposed treaty. The Armed Services Committee alone conducted 32 hearings, in order to ensure that the Senate had the information it absolutely had to have in order to consider this treaty in an informed way.

The Armed Services Committee report and the assessment of the treaty it contains is based on this extensive hearing record and reflects the hard work of the entire committee. To quote the report:

In broad terms, the committee believes the INF Treaty can make a modest but useful contribution to NATO security.

The report goes on to conclude that: On balance, the committee believes that the positive features of the treaty outweigh its weakness.

That may sound like a very modest endorsement, but it is important to remember that in many ways this is a rather modest treaty. The Intermediate Nuclear Forces Treaty, when ratified, will result in a relatively minor reduction in nuclear weapons held by the United States and the Soviet Union. Further, the treaty presents some real risks, some of which I would like to discuss at some length. Before I do that, however, I want to make it clear that while the treaty is a modest one in many ways, it is, at the same time, a real landmark achievement for a number of reasons.

This is the first treaty that actually results in the destruction of nuclear weapons systems. The two previous major nuclear arms control treaties, SALT I and SALT II, which was never ratified, basically accommodated the nuclear forces then possessed by the U.S.S.R. and the United States. They were designed around ceilings, allowing both us and the Soviets to build weapons up to the ceiling levels. Under this treaty, on the other hand, the United States will actually destroy 850 missiles and the Soviet Union 1,900.

Second, this is the first treaty that results in the elimination of a whole class of nuclear weapon systems. The Soviets accepted the American so-called "zero option" proposal to eliminate all intermediate-range missiles.

Third, this treaty creates a very valuable precedent that I am convinced will greatly aid our future arms control efforts. For the first time, the Soviets have agreed to disproportionate weapons systems reductions. When the treaty is ratified, they will be destroying more than twice as many missiles as the United States destroys, which is only fair because the Soviet Union had deployed more than twice as many intermediate range missiles as we did. This precedent is of great value, not only in future nuclear arms

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agreements, but also in the areas of conventional and chemical arms talks.

Fourth, this treaty creates a number of very valuable precedents in the verification area. The verification procedures in this treaty are not perfect. However, for the first time, we have established the principle of onsite verification, so that the United States will actually be able to be onsite watching the Soviet missiles being destroyed. Americans will actually be able to be stationed at missile plants in the Soviet Union to help further ensure that the treaty is not violated.

Fifth, as the Foreign Relations Committee report on the treaty points out, the treaty "should strengthen Western European confidence in the United States commitment to the defense of Europe. By eliminating the—Soviets very dangerous—SS-20's, the treaty will remove an instrument of intimidation exploited by the Soviet Union to drive a wedge between the United States and its European allies." Similar benefits will occur in the Pacific rim since Soviet intermediate range missiles targeted in that part of the world will also be eliminated.

Sixth, the treaty represents a triumph for the bipartisan arms control policy conducted by this administration and the Carter administration that preceded it. I'm sure many people may have forgotten that the decision to deploy United States intermediate range missiles in Europe in order to respond to the increasing threat posed by the new Russian missiles was made in 1979 by the Carter administration. President Carter did not make this decision lightly or easily. He made it, however, because he believed that the only way to achieve a real arms control agreement with the Soviets in this area was to respond to the new Soviet missiles by sending United States missiles to Europe. For the United States and its European and Pacific allies, this principle of bargaining from strength has been vindicated.

The Soviet Union, which was not at all interested in any agreement involving its SS-20's when there were no United States missiles in Europe, agreed to totally eliminate this weapon system as a result of the deployment of offsetting United States weapons. They saw the increased danger their own weapons posed only when they recognized their own vulnerability to nuclear attack with virtually no warning time from United States missiles based in Europe. This is an important fact to keep in mind as we continue our arms control efforts.

There are other sound arguments for this treaty, Mr. President, but we must keep in mind that this treaty has real risks, particularly if we are not able to follow it up with agreements in other areas. This treaty is really only a starting point. The United States must continue to seek agreements on strategic nuclear weapons, on conventional forces, and on chemical weapons if the tantalizing opportunity for

peace that this treaty presents is ever to become a reality.

Until those follow-on agreements are reached, this treaty presents real risks that must be guarded against. We need to be realistically concerned, for example, regarding the risks that the Soviets will not live up to the treaty. While I am, in general, satisfied that the United States will be able to detect any military significant violation of the treaty by the U.S.S.R., I do not believe we can afford to tolerate any level of violations, and I think it is important that the Senate make it crystal clear to the Soviets that we will be watching their behavior closely. Soviet behavior in prior treaties, as well as Soviet behavior regarding issues related to the interpretation of this treaty, demonstrates ample reason for concern. The Soviets, in some respects, have already attempted to backslide on the agreement, and I am pleased that the Senate delayed beginning the debate on this treaty until the Soviets abandoned those efforts.

Some of the risks relate to the text of the treaty itself. Many involve very technical and complex issues. The chief area of concern, however, relates to the consequences that ratification and implementation of this treaty will have on the NATO alliance and our own capability to maintain a credible level of deterrence in Europe.

That issue was the principle focus of our hearings in the Armed Services Committee. It is widely acknowledged that the conventional superiority of Soviet and Warsaw Pact armies represents a destabilizing force in Europe. We must be sure, as we move to implement this treaty, that we are not acting in ways that increase the threat of a devastating conventional war in Europe even as the nuclear threat is being reduced.

We must not forget, Mr. President, that there is a considerable risk that NATO forces could be defeated quickly by the Soviets and their Warsaw Pact allies in a nonnuclear war in Europe. That means that we and our NATO partners could be faced with the very difficult choice of escalating the conflict by using battlefield or other nuclear weapons, or having our forces in Europe, including over 323,000 Americans, overrun.

I am pleased that NATO has undertaken major efforts to improve its capabilities. The Montebello accords agreed to by all NATO members several years ago were a major step in directing the improvement of European conventional forces and upgrading the alliance's nuclear capabilities.

This is not a problem that is easily solved, however, because Soviet forces are also being modernized and are growing larger. General Galvin, our NATO commander, told the Armed Services Committee that:

Since 1973, the Soviet military machine facing NATO has grown almost 50 percent while NATO forces grew little more than 10 percent.

I am chairman of the Armed Services Subcommittee on Readiness, sustainability, and support. My work there has convinced me that we have many problems that still need to be resolved if we are to ensure that NATO's forces are adequate to deter any potential Soviet aggression.

The questions are not new ones. Do we have the capability to supply our forces in NATO? Are a sufficient number of merchant ships available for transportation? What consequences would we face if we have to fight in Europe while also having to fight on a second front? Is the U.S. defense industrial base prepared to support not only our military requirements, but those of our allies? Can we realistically depend on the industrial base of our NATO allies in a European conflict?

As I have stated before, our own defense industrial base has been deteriorating before our very eyes. The ability of our Armed Forces to fight anywhere in the world for the time that might be needed is only a dream. Our ability to maintain an adequate conventional deterrent is being undermined just at a time that might be needed is only a dream. Our ability to maintain an adequate conventional deterrent is being undermined just at a time when, because of this treaty, the burden on our conventional forces is being significantly increased.

I have been working hard to correct these problems. I have offered defense industrial base legislation, and I am pleased that many of its provisions are included in the fiscal year 1989 defense authorization bill. That bill puts us on the right track toward improving our conventional forces and the industrial base that support them. We must continue to work to see that our allies take similar steps.

We must be very mindful of these conventional force issues. We and our NATO allies must continue to be aggressive and persistent in the area of conventional force improvements, and we must be just as aggressive and persistent in the pursuit of our quest for a conventional arms control agreement between NATO and the Warsaw Pact.

At the same time, it is important to keep this risk in context. While it does present a problem that we must continue to address, it does not undermine this treaty. The U.S. commitment to the defense of Europe remains unchanged, and we and our NATO allies continue to have a wide range of options, both conventional and nuclear, that provide deterrence against aggression.

The Administration testified before the Armed Services Committee that the INF Treaty will not increase the threat to our security. They made it clear that we have as much, or more, to gain than the Soviets from the elimination of intermediate range nuclear missiles. The treaty is also

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strongly supported by our NATO allies.

Mr. President, I will conclude by restating what I said at the outset. I believe this treaty makes a modest but useful contribution to NATO security. It is only a first step, but it is an important first step. I support this treaty; I will vote to ratify it. I believe that, on balance, this is a good treaty and that it furthers our efforts to obtain world peace.

I thank the managers and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 20 minutes to the Senator from Washington [Mr. ADAMS].

The PRESIDING OFFICER. The Senator from Washington is recognized for 20 minutes.

Mr. ADAMS. I want to thank the chairman of the Foreign Relations Committee very much for the time.

Mr. President, I rise to urge the Senate to approve and ratify this treaty. As a member of the Foreign Relations Committee, Mr. President, I have spent endless hours and days, over months, listening to experts and to the negotiators; negotiators explain the treaty, the experts their point of view. This is a very difficult treaty, Mr. President, and very different from many that come before the Senate in that it involves a combination of arms and treaty obligations between the two major superpowers. This is the reason why we have had extensive involvement by the Intelligence Committee and the Armed Services Committee as my friend, the Senator from Illinois, has just commented.

What I have been concerned about, Mr. President, as this has proceeded, is that we not drop from policy considerations, which are treaty considerations, into technical detailed arguments on specific weapons systems.

I hope that will not happen during the course of this treaty because treaties are like constitutions. They state general but specific principles. But they are not like legislation, where you go into every detail.

There will be discussions on this floor during the course of this debate about very detailed weapons systems. It was well stated by the Secretary of State in the hearing that we held this Monday, that they have, really, faced a new series of problems which the Senator from Indiana I am sure is well aware of, because they put the teams together to discuss how they would implement the treaty before the treaty was ratified.

Many of us were surprised that we were all of a sudden debating length of missiles, power of x rays and so on; and it was occasioned by the, I think, excellent and detailed work that has been done by the officials involved in this to attempt to set up the operating teams that will implement this treaty. By "implement it" I mean conduct the inspections and go through a very new

regime, a very new regime which is onsite inspection, and have it done within the time periods of the treaty.

But I want to stress that these are not treaty matters. These are matters of whether or not the treaty is being carried out and how well it is being carried out.

So, Mr. President, I have risen today to state that this treaty has been dissected and examined in minute detail by the Foreign Relations Committee over months.

The weapons systems themselves have been examined in detail by the Intelligence Committee and the Armed Services Committee over months, to be certain that what the negotiators said they mean and what the treaty says it means.

I would urge my colleagues during the course of this debate to treat it as a constitutional provision and treat it as a whole so that we use what is being established as the authorized estimates of the negotiators. There will be reference on the floor to certain technical things that came up out of the discussions between the teams. And there will be an "agreed minute" discussed. And there will be a diplomatic note discussed.

All of these are matters and means of establishing the meaning of this document, just as we establish through Supreme Court decisions the meaning of provisions of the Constitution.

I simply state to the President that this can be very difficult when you go to basic meanings. I remember very well the debate over specific provisions of what was a high crime and a high misdemeanor. Nobody really knew what it was. You do not have a lot of cases on that. It just occurs, and then the Senate will have to make decisions.

I hope we will ratify this treaty. It is a sound treaty. It deserves our confidence and support. It has been worked on for many years on a bipartisan basis by administrations and by people in the U.S. Senate.

I now turn for a moment to a second point, which is: I am very hopeful, Mr. President, that this treaty is ratified prior to the summit meeting at the end of this month. I have stated that previously on the floor. I want to state it again. I think that this treaty represents an important symbol. It is more than a symbol. It is a very operative treaty, and it establishes some important new principles.

I mentioned onsite inspection. It also, for the first time, removes a whole set of nuclear weapons. These are very important principles that I hope will be built on. But to build on them, it is absolutely necessary that we also try to indicate to the parties throughout the world, particularly to our NATO allies, who have stood very firm in this matter, that we believe in this treaty, we want it to happen, that we are all standing together and that discussions at the summit not be any

kind of recriminations about whether or not this treaty is in effect, but begin to be a discussion about what are the next steps that we can make toward a more important, in the sense of numbers, and more permanent arms control regime.

I think the potential for this President and the present General Secretary of the Soviet Union to make statements and to move toward the START Treaty which, again, is a principle of a 50-percent reduction in nuclear warheads, is possible if they can discuss this at the summit.

I am hopeful that there will be a treaty ratified so that that discussion can go forward because while this is a small military step forward, and there will be arguments and statements on the floor, and they are correct, that this only involves 3 percent of the warheads on each side; that there can be retargeting of other warhead. And it does not really change in many ways the nuclear balance. It does change in very important foreign policy ways the manner in which we relate to our allies in Europe and the principle that the two superpowers are prepared to step back from an endless arms race and begin to rebuild their economic strength of the two economies.

This is a window in time which may not repeat itself for several decades where this might occur.

None of us would vote for this treaty, Mr. President, if we felt that it jeopardized the security of the United States. I think I can state from recent experience in visiting the Soviet Union that they would not either. There are significant groups within the United States, but they are a minority, in my opinion, and there are significant groups in the Soviet Union, but they are also a minority, that do not trust one another and would not sign any kind of treaty.

This point of view will also be presented, but the great hunger and desire of the majority of the people in both the United States and Soviet Union and, most important, throughout Europe, to which this most directly applies, is that we should step back from the arms race and begin to pursue peace in a better and more significant manner.

The reason that I state that the military aspects of this should not be the overriding concern is that the United States and the Soviet Union still have pointed at one another over 25,000 nuclear warheads. That means even after the implementation of this treaty, there is an overwhelming nuclear danger in this world.

All of the targets can be covered by all kinds of weapons. We will hear acronyms of GLCM's and SLCM's, but there are all kinds of acronyms for weapons that will be stated.

I do not mind the discussion going on on this, but I hope that it does not divert us from the primary mission of this, which is to take a foreign policy

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issue that has been agreed upon by our allies and has been implemented since the Montebello decision, to both deploy Pershing missiles and to pursue this treaty started on a double track and has been carried out by our allies.

I think it is an important time for all of us to be learning of nuclear arms control. Children must learn to crawl before they can walk, and we must resolve some important principles of arms control before we can implement a reduction in the intensity of the nuclear arms race.

This treaty represents for the first time the superpowers in agreement to eliminate an entire class of nuclear weapons. This may well be the way that we should approach the reduction of nuclear arms.

Second, a verification system has been established in this treaty which, for the first time, builds on the principle of on-site inspection. Mr. President, I hope that all of us will remember as we are discussing this and stating that we do not wish to have the Soviets limit our examination of certain sites, that there are a significant number of people in the armed services and the military of the United States who do not want to have the Soviets do certain things in the United States.

This is a carefully balanced treaty which I hope will not be tampered with in this verification system because the Joint Chiefs have all testified in support of this.

The PRESIDING OFFICER. Will the Senator from Washington suspend?

Mr. ADAMS. The Senator will be happy to suspend.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the time for debate and for further dispensing with the reading of the memoranda and the protocols, under the same conditions as heretofore were agreed to, be extended until 2 p.m. today.

Mr. LUGAR. Reserving the right to object, I thank the majority leader for offering that unanimous-consent request. I am advised on our side that that would be fully acceptable.

Mr. BYRD. I thank the distinguished Senator. I ask unanimous consent that the intervening time then be equally divided and controlled as heretofore, between the two leaders or their designees, and my designee will be Mr. PELL.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized.

Mr. ADAMS. I thank the Chair.

Mr. President, a third feature of this treaty, which is very important and can be used as a policy precedent for the future, is that the Soviet Union has agreed for the first time to reduce a greater number of their warheads than has the United States. This was done because they had deployed four times as many of the SS-20's as we

had of the Pershings. This is a very important principle for the future, Mr. President, because as we discuss in arms control debate on this floor not only the reduction of the total number of nuclear weapons but the reduction of the total number of conventional forces in Europe, it will involve the reduction by the Soviet Union of more tanks than on the NATO side but may involve the United States having to agree to a reduction of more tactical aircraft than the Soviets.

Asymmetrical reductions, therefore, are an important principle which this treaty also contains. All of these are important to the future of a START agreement on nuclear weapons or a mutual reduction of force agreement in Europe.

This also can be important in terms ultimately of chemical weapons or a comprehensive nuclear test ban treaty. I would hope also that we do not—and I think it would be a mistake to try—reject this treaty or kill it with killer amendments. While I pointed out that the military significance may be small in the sense that there are so many more nuclear weapons and so many conventional arms, it has enormous political significance. This treaty has strengthened, Mr. President, the NATO alliance because we have carried out in the United States, and we will by ratifying this treaty, a solemn agreement we made with out NATO allies to both negotiate for the removal of the SS-20 intermediate range and other intermediate-range missiles and at the same time to deploy them, and this agreement now is carried out in its final step by this treaty. Secretary of State Shultz has affirmed this point.

Mr. President, as we move forward into the future, it is important that we have a strong NATO alliance and that we have cooperation among the member states, and that there is a sharing of the burden of the defense of the Western alliance. This INF Treaty represents a real pulling together of that alliance, and it should not be discouraged. The governments of our NATO allies have all stated it is very important for the survival and the strengthening of their defense forces.

Now we have the opportunity, if we ratify this treaty, to discuss with them the whole new system that I hope will be proposed for the relationship between the United States and NATO allies and the reduction of the confrontation to a manageable level between the NATO allies and the United States and the Soviet Union and the Warsaw pact. This political achievement is very important. If we were to reject it, we would be stating to the Soviet Union and to the Warsaw Pact as well as to our allies that we are not interested in stability.

Mr. President, stability and crisis management is the job of this generation in America. We hope to be able to hand over to the next generation a

stable environment in that we have managed through this crisis, so that they can move toward the improvement of quality of life in the United States and throughout the world, rather than the arming of the world.

Maybe, just maybe, we can build a small beginning of sufficient trust between these two conflicting societies that we can move forward toward some other things, and stability is very important because my hope is that the next generation will not spend billions and billions of dollars to match billions and billions of rubles on the Russian side which will continue indefinitely if we do not stop this arms race.

It seems to me we now have the opportunity to really achieve what we have been saying we want to achieve for a long time. I am hopeful that the General Secretary will be successful in these next decades in controlling the hard-line people in the Soviet Union, and that we will do the same. Stability and security, both militarily and economically, on both sides of a confrontation line is the road to peace in the future. I believe that this treaty does it.

Mr. President, I would be remiss if I failed to acknowledge the tenacity of the Senator from North Carolina, Senator HELMS, in opposing this treaty. Whether we are talking about the process of destroying the missiles covered by the treaty, the accuracy of intelligence estimates on Soviet SS-20's, or the soundness of the verification regime called for in this treaty, in my opinion he has not made a compelling case against this treaty.

I have appreciated and found very helpful the contribution to the treaty debate that has been made by the Armed Services Committee and the Intelligence Committee. Their reports to the Foreign Relations Committee represented thorough and very detailed and insightful commentary on the specifics of this treaty. The five key issues that were raised in their reports to the Foreign Relations Committee have been resolved. We had a lengthy hearing called by the chairman of the committee to discuss this.

The Ambassadors who negotiated the treaty and the Secretary of State were there for extensive hearings, and it was made clear at that time in testimony concerning the meaning of article 14 of this treaty there is in no way a noncircumvention provision in this treaty and that it will not interfere with cooperation with our allies. In fact, it is really a boilerplate provision.

Second, the ban on conventional ground launched cruise missiles was included in the treaty for very specific and important verification reasons. Any effort to amend this treaty to allow conventionally armed-ground-launched cruise missiles should be soundly rejected because it has the potential to exacerbate the existing conventional imbalance in Europe. The fact of the matter is that the Soviet

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Union is in a far better position than the United States to exploit such a capability.

Mr. President, we discussed as English students the so-called double negative in article 6 and we resolved that problem. It seems to me that the language in article 6 cannot possibly be construed, and there was long argument on this to prevent the production of a second stage of the SS-25 which is interchangeable with the second stage of the SS-20.

Fourth, the issue of possible circumvention of the treaty on the testing of missiles was straightforwardly addressed. The remaining issues raised during the course of the interaction of the committees, the so-called futures issues and the technical issues have all been resolved, Mr. President. These have been pursued by specific negotiations, by the creation as I mentioned earlier in my statement of a diplomatic note and an agreed minute. And the United States and the Soviet Union have officially stated their position, and it has been clearly done.

I have mentioned before that many of these problems came up because of the establishment of the technical implication teams. I think those have been resolved. The only condition which the Foreign Relations Committee adopted to this treaty just reaffirms a fundamental constitutional principle relating to the treaty power. It just simply reaffirms and requires that those principles govern the U.S. Government's interpretation of the treaty. I frankly wish we had not had to attach this condition to the treaty, but after a long and detailed consideration, it was the majority choice, and I have supported it, that we have to address this issue so we do not have any cloud of uncertainty.

I would have hoped, and I still hope, that the so-called Sofaer doctrine will not interfere with the ratification of this treaty.

In summary, Mr. President, there is no reason now we cannot move forward with this treaty in a timely way to ratify it prior to the summit. If we do not do so, Mr. President, we will have missed a historic opportunity to urge the superpower relationship along a constructive course. This is not an easy relationship, Mr. President. And it is not going to be for the rest of my generation's time or for the next one. But to fail to ratify this treaty would mean that we, as a generation, have missed a historic opportunity and would leave us open to criticism in the eyes of the world.

Ultimately the importance of this treaty, Mr. President, reaches beyond the superpower relationship which will change as the decades pass. It reaches into United States and Soviet relations with Europe. It will have an effect on our ability to slow down international weapons proliferation because it is no secret, Mr. President, and this concerns this Senator deeply, that countries like China and India

have repeatedly said the condition for abandoning their nuclear option was a willingness on the part of the superpowers to curb their nuclear weapons appetites.

Mr. President, we need to send a clear message to these nations. We do not want them to develop nuclear weapons—and to the other nations who may be developing them. That, to me, is one of the great problems that we as a nation and, yes, the Soviet Union, face as well as those who have nuclear weapons is—to prevent their proliferation.

This is a historic agreement. The Senate committees have worked well. The treaty is not perfect. No document created by human hands ever will be. There could have been things maybe drawn a little differently. But this treaty is the best thing to come along in arms control for a long time, Mr. President. It deserves our timely and earnest support. I urge my colleagues to vote for Senate ratification.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield as much time as the distinguished Senator from Pennsylvania may require.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Indiana.

Mr. President, I support the INF Treaty because I believe that it is an excellent treaty from the point of view of the United States. At the same time, Mr. President, as this debate moves forward I am very much concerned that the condition relating to ABM reinterpretation, also encompassing the so-called Sofaer doctrine, may prove to be a detrimental factor and could even destroy the ratification of the INF Treaty if that issue is pushed in this debate.

Mr. President, the ABM reinterpretation condition, referred to in the committee report as the Biden condition—the ABM reinterpretation condition I believe to be a more accurate name—revises international law on treaty interpretation. It confuses U.S. constitutional law on treaty ratification. And, I submit, Mr. President, that it inserts a Trojan horse or perhaps a booby trap, not to mix metaphors, into these deliberations on the INF Treaty.

In effect, this ABM reinterpretation condition establishes realistically viewed a two-treaty doctrine. It establishes an approach that there is a treaty between the executive branch and the Soviet Union, and at the same time a second treaty between the executive branch and the United States Senate. And the amplification of this postulate, which is set forth at length in chapter IX of the Senate Foreign Relations Committee report on the INF Treaty entitled "Treaty Interpre-

tation, Condition Approved by the Committee," in effect gives primacy to the arrangements between the executive branch and the Senate. It creates confusion and contradiction. And it really represents a turf battle extraordinary where the Senate seeks to establish its primacy.

Mr. President, on treaties today, the President of the United States appears to be having more trouble with the United States Senate than with the U.S.S.R. During the course of my comments this morning, Mr. President, I shall outline the legal considerations as to what this ABM reinterpretation condition realistically does, how it changes the international law on treaty interpretation, how it changes and fuses U.S. constitutional law on treaty ratifications and how, if pursued by the Senate Foreign Relations Committee and the advocates of the ABM reinterpretation condition, it may really sink the INF ratification process.

Mr. President, as to the treaty itself, I support the treaty. It moves forward on a significant reduction in warheads. It has great potential in and of itself, and as a signal for the future as to arms control and arms reduction. It establishes a principle of onsite inspection which is new, Mr. President. It has been carefully considered by the Foreign Relations Committee, by the Armed Services Committee, and by the Intelligence Committee on which I serve.

There are some issues of great concern to me in terms of Soviet compliance, and we have learned from experience, perhaps even bitter experience, that it is necessary to have verification, that trust is really not a realistic alternative in international affairs of this sort; that is, addressed by itself. But there must be adequate verification and adequate assurances of Soviet compliance.

Mr. President, there are good reasons to believe that with the accession to power of General Secretary Gorbachev, the Soviet Union has moved into a new era; and to the extent that we can negotiate with General Secretary Gorbachev in the interests of the United States, carefully and deliberately, I believe we should do so.

The Soviets have injected into their approach recently certain elements of a free society; and if they promote this kind of attitude, it may well be that the Soviet Union will be a much tougher adversary in the years ahead, because we have seen by the experience in our country and in other democracies that when people are free to utilize their energies in a constructive way, they have much more creativity, much more productivity. So if this line is pursued by the Soviet Union, they could be a much tougher adversary in the future. Of course, we can only observe that. But to the extent that their new attitude comports with

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United States self-interests, we ought to utilize this opportunity.

As I say, they may become a tougher adversary, or it is possible that in the future, if they really move to a free society, they may not be an adversary at all. If they could come to share democratic values, which is a long, long way off, they could be a nation with which we could have peaceful, harmonious relations, as we do with Great Britain, France, Italy, Israel, and other democratic societies.

For the time being, it seems to me that we have to be very careful in these dealings with the Soviet Union. There have been concerns expressed by the Intelligence Committee on the adequacy of technical inspection. It is our hope that we may be moving to a solution of those concerns. It is our judgment that verification is adequate as to INF, but it is important to enhance and improve the technical inspection facilities in the United States as we move ahead on the discussions on the Strategic Arms Reduction Talks.

Mr. President, I join my fellow Senators who have taken the floor, who have urged that we move forward with deliberation to conclude the discussions on the INF Treaty, if we can, before the President goes to Moscow for the summit later this month. But I do believe that we ought not be bound by the clock. We could work long hours, we could work weekends, and I think we could conclude our debate here in order to have a united front between the United States Senate and the President when President Reagan goes to the Soviet Union.

Mr. President, I believe that the INF Treaty is a victory for the U.S. policy of strength and a vindication for the emphasis which this body, the House, and the executive branch have put on defense in the course of the past 7½ years.

I believe, further, that the INF Treaty is a victory, a vindication, for President Reagan, who set forth the zero-zero option in 1981. There were many problems with our NATO allies on the Pershing II's and the cruise missiles, but that policy has resulted in the total elimination of the theater weapons as defined in the INF Treaty.

The Senate encouraged President Reagan to move ahead with the summit talks by resolution which I offered and were passed in 1982, 1983, 1984, and 1985, but the President moved on his own timetable.

I had personal experience with the timetable which President Reagan saw, on occasions, when I was asked to meet with the President in those famous one-on-one sessions on issues such as the MX. The President urged my support for the MX, and I asked about negotiations with the Soviet Union. This goes back to 1983. The President said he was not ready. The President has moved at his own speed. For those who say that he may be disinterested or languid on some subjects,

he is certainly not disinterested or detached on the issue of negotiations with the Soviet Union.

President Reagan's timetable has come to be the dominant timetable. It is my view that the Senate ought to cooperate with the President to the extent we can—not rushing to judgment, taking time in deliberation; but, if it is possible, and this Senator believes it is, to enable the President to take with him to Moscow an INF Treaty which has been ratified by this body.

However, Mr. President, if the U.S. Senate is to ratify the INF Treaty, it seems to me that we cannot do so if we include within the ratification process the so-called ABM reinterpretation condition. That condition, denominated in the committee report as the Biden condition but, again I say, more accurately categorized as the ABM reinterpretation condition, opens what is really worse than a can of worms in revisiting the ABM controversy, in revisiting international law on treaty interpretation, in confusing U.S. constitutional law on treaty ratification, and opening a very complex subject, which I believe may well have the practical effect of killing the ABM Treaty.

Now, to the legal analysis and the legal considerations:

In the Senate Foreign Relations Committee report, there is a reference on page 92 which establishes the committee's priorities, as follows:

The Legal Adviser's statement implies that the meaning of a U.S.-Soviet treaty is to be gleaned not by examination of what the President and the Senate jointly understood, but by examination of what the President and the Soviets agreed upon—regardless of what the President may or may not have told the Senate.

That statement and other similar statements in the course of chapter IX established the committee point of view and the underlying doctrine of the ABM reinterpretation condition, that the paramount consideration is what was agreed upon between the President of the United States and the U.S. Senate. I submit that that turns international law on treaty interpretation on its head, because the dominant consideration on an international treaty is what was agreed upon between the two nations.

It is true that the Senate has a critical role on what the United States of America agrees to, but it is not the dominant factor.

The statement of international law on this issue has recently been restated by the Supreme Court of the United States less than a year ago on June 15, 1987, in a case captioned "Societe Nationale versus U.S. District Court for the Southern District of Iowa." The Supreme Court of the United States stated on page 10 of the slip opinion:

In interpreting an international treaty, we are mindful that it is in the nature of a contract between nations.

Mr. President, that is a critical factor to be outlined at the outset.

A treaty is valid and binding only if it establishes mutual obligations on the two contracting parties, in this case the United States of America and the Soviet Union.

However, when the Senate Foreign Relations Committee comes to grips with the condition on ABM reinterpretation, the Foreign Relations Committee elevates the provisions of the understanding between the executive branch and the Senate. This is set forth on page 97 of the committee report as the prime qualification—subsection (a):

The United States shall interpret this treaty in accordance with the understanding of the treaty shared by the executive and the Senate at the time of Senate consent to ratification.

The condition then refers to the text of the treaty and to the common understanding between the Senate and the executive branch, but the critical factor is the elevation of this principle as to what the executive agreed to with the U.S. Senate.

The realistic fact is that such an understanding may be at variance with what the United States agreed to with the Soviet Union, and it is not the understanding that the Senate has that is the first determinative factor as to what the treaty is. It is important but it is not the first determinative factor.

In determining what is the agreement between the United States and the Soviet Union in cases of ambiguities, the law is clear that the negotiating record and the subsequent practices of the parties are critical factors in that evaluation.

This matter has been addressed by many, many legal scholars, many Senators on the floor of this body, and there is agreement that relevant considerations involve the negotiating record and the subsequent practices of the parties.

That is specified again in the opinion of the Supreme Court of the United States on the Societe Nationale case again at page 10 of the slip opinion when the Supreme Court says:

History, the negotiations, and the practical construction adopted by the parties may be relevant.

Mr. President, when the Supreme Court of the United States refers to the word "may" it is done in a context that the relevancy depends upon the facts of a specific case. But the Supreme Court makes it plain that the negotiations, the terms of the treaty history, the negotiating record and the practical construction adopted by the parties, sometimes referred to as the subsequent practices of the parties, are vital factors in treaty interpretation.

What does the Foreign Relations Committee report do with that fundamentally established law? It turns it upside down.

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At page 101 of the committee report, the committee starts to take up the INF Treaty negotiating record and starts to discuss the considerations as to what the negotiating record means, and it comes to this conclusion.

I am beginning in the middle of a paragraph, because I believe that is a fair reading of what the committee says. "Such documents"—referring to the negotiating record—"need not have been examined for consistency and should not be deemed material to U.S. interpretation to the INF Treaty insofar as they are inconsistent with the executive branch's formal presentation of the INF Treaty."

Focus, Mr. President, on that conclusion such documents are not material.

Now that is a revolutionary statement, contradicting years, decades, centuries of interpretation of treaties.

And the committee seeks to exclude the negotiating record and the subsequent practices of the parties in the committee's effort to place sole reliance on what they say is the Senate's understanding.

This is an effort to elevate the Senate's understanding to a new height in interpretation, and that simply rewrites the international law on treaty interpretation, which is that a treaty reflects the intent of the parties. The parties are the United States of America and the Soviet Union, and the Senate is not an independency party.

What this committee report does is to decimate the treaty if it is not in accordance with what the committee thinks may be the Senate's understanding.

Mr. President, the committee report then moves on to a discussion—I might say a tortured discussion—of how the Senate comes to its understanding, and it refers to "explicit understanding" and "implicit understanding." Explicit understandings are easy. They are reservations and they are understandings. Implicit understandings are much more complicated. Had there been an explicit understanding of narrow versus broad, this issue would never have arisen in the context of the ABM Treaty and would not have arisen in the context of the INF Treaty. The fact is that on the ABM record, there was no explicit understanding not reflected in the reservation, not reflected in an understanding, not reflected in the debate on the Senate floor, and not really or clearly reflected in any of the proceedings before any of the Senate committees.

The committee report then goes on to try to delineate what is meant by "implicit understandings," and the committee report refers at page 93 to this definition:

Where several [Executive] statements are made and there is general acceptance of their tenor, that is the Senate understanding.

Page 94 of the committee report then reviews few or inconsistent statements and says:

... where the indicia of intent (again, including unchallenged Executive communications or explanations) are several and largely consistent, an implicit intent can reasonably be concluded to exist.

Mr. President, there is repetitious ambiguity in this committee report. What the committee essentially comes to on the conclusion is that these implicit understandings have no realistic meaning where there is a factual claim of pervasive ambiguity. That is the reference at page 106 of the committee report in reference to "a factual claim of pervasive ambiguity."

The law is plain that where the treaty is ambiguous, it is a matter for interpretation for the executive branch. As the committee report notes, the law on treaty interpretation is the same law which follows on the interpretation of congressional intent on the statute, and that standard is specified in the opinion by the Supreme Court of the United States in *Japan Whaling Association versus American Cetacean Society* with the following language at page 11:

If a statute is silent or ambiguous with respect to the question at issue, our longstanding practice is to defer to the "executive department's construction of the statutory scheme it is entrusted to administer."

And then the Court goes on to say:

Unless the legislative intent of the enactment shows with sufficient clarity that the agency construction is contrary to the will of Congress.

Mr. President, in the history of the ABM Treaty it is plain—and this can be documented at length if we get into that extensive discussion. The comments that I am making today are really only an introduction to the legal issues on this point and only an introduction to a few of the factual considerations. But if we get involved in the ABM issue, it is plain that there were, at most, a few comments on the statement and those comments were inconsistent.

The Supreme Court deals with that situation again in the Japanese Whaling case at page 18 saying: "It may be that in the legislative history of these amendments"—referring to the issue in the Japanese Whaling case—

There are scattered statements hinting at the per se rule advocated by respondents, but read as a whole, we are quite unconvinced that this history clearly indicates, contrary to what we and the Secretary have concluded is a permissible reading of the statute. ...

The Court makes it plain in that circumstance it is the executive branch which must make the interpretation, just as the law is plain that the executive branch must make the interpretation in a treaty.

This same doctrine had been articulated in the case of *Chevron U.S.A. versus Natural Resources Defense Council, Inc.* in 1984, when the Court pointed out at page 843 of 467 United States that if a court, employing traditional tools of statutory construction, ascertains the Congress had an intention on the precise question at issue,

that intention is the law and must be given effect.

And then, on the same page, the Supreme Court of the United States says: "[I]f the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute."

Mr. President, if we get into the details of ABM, I submit that we will find that there is that kind of ambiguity which leaves it up to the executive branch to make that determination in accordance with clear-cut international law and in accordance with clear-cut U.S. constitutional law.

Mr. ADAMS. Will the Senator yield for a question?

The PRESIDING OFFICER (Mr. GRAHAM). Will the Senator yield for a question?

Mr. SPECTER. Well, I am right in the middle of a rather complex sequence, but it is too late now, so I do yield.

Mr. ADAMS. I appreciate the Senator's courtesy.

I did not quite understand the thrust of the Senator's argument on these last three issues, because on page 107 there is a summary which states clearly the committee's conclusion that the President has a responsibility to interpret and implement, which the Senator has stated. There is a clear conclusion by the committee not to have the ABM dispute in this treaty but that the sole issue that was raised was the Sofaer doctrine of reinterpreting.

The cases that have been cited by the Senator involve an interpretation, not a question where there has been a practice followed and a series of precedents followed under the treaty.

I just wanted to ask the Senator why he had raised this when I believe that the sole issue that is involved in the so-called condition here is not power to interpret, it is not every statement raised, it is not the Supreme Court decision in that case, but it is a question of the President or the executive branch reinterpreting a treaty as opposed to the President saying that the treaty should be abrogated, which the President has the right to do, and start over.

I would like the Senator to address the reinterpretation and answer my question of have we not answered those questions on page 107.

Mr. SPECTER. Well, I thank the distinguished Senator from Washington for raising the question, because it illustrates my point. This chapter, chapter IX, is a detailed effort to discredit the Sofaer doctrine. It is a detailed effort to weigh in on the argument on the narrow versus broad interpretation of the ABM Treaty.

Perhaps it is no better illustrated than the committee report itself at page 97 where the committee says that the whole issue was unnecessary for consideration.

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The second full paragraph on page 97 reads:

The committee notes that, in one respect, its action in including this Condition in the INF Treaty's resolution of ratification was unnecessary insofar as principles which inherently apply to the INF Treaty would apply even in the absence of any Senate action affirming them.

Then the committee goes on to say:

Given the circumstances, however, the committee judged that to fail to affirm such principles could suggest some degree of acquiescence in the Sofaer Doctrine, which the committee views as an Executive attempt to assert an unconstitutional arrogation of the Treaty Power. In this sense, the committee views the Biden Condition, paradoxically, as both unnecessary and highly significant.

It is amazing to this Senator that the Foreign Relations Committee would include this lengthy chapter and inject this issue into the INF debate when the committee concedes that it is unnecessary except as it relates to the committee's effort in this proceeding to discredit the so-called Sofaer doctrine and the committee's effort to prejudice the ABM controversy on narrow versus broad.

When the Senator from Washington points to page 107 as to the committee's summary, the committee then starts to recite what the interpretation issue is and what it is not. But in the course of that extended discussion, it repeatedly says what the interpretation is not opposed to what it is.

It is plain on the face of this record that the committee seeks to deal with the Sofaer doctrine and the ABM narrow versus broad issue because the committee so often says that is not dealing with those issues.

Again and again and again the committee says, "We do not deal with the Sofaer doctrine. We do not deal with ABM. It is unnecessary to take these issues up at this time." And then, elaborately, for more than 20 pages, running from the start of the chapter at page 86 until the conclusion of 108, the committee deals with these doctrines.

It is plain, I say to my friend from Washington, that the law is the law. It is not necessary to raise an issue and knock it down if it is an irrelevancy. The elaborate pains that the committee went to on the Sofaer doctrine relates to its concern to bring the ABM issue into this debate.

That is why this Senator says this issue should have been left out by the committee and, when the committee did not leave it out, the Senate ought to overrule the committee and exclude it from consideration, because when we begin a serious debate on this issue—not to suggest the Senator from Washington and I are not serious, the Senator from Washington is not serious—when we begin an intense debate on this subject, we will make the issues raised by Senator HELMS look abbreviated.

Mr. ADAMS. Will the Senator yield?

Mr. SPECTER. I do.

Mr. ADAMS. The issue in this case is very different from the ABM Treaty, in that the ABM Treaty, which has been carefully excluded by the committee from this INF debate, is a factual debate.

Mr. SPECTER. Will the Senator yield? How can you say the committee has omitted the ABM Treaty?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I will assert my right to the floor, but only if my colleague agrees.

Mr. ADAMS. I am most happy to.

Mr. SPECTER. How can you say the ABM Treaty was omitted by the committee when the committee spent so much time talking about the ABM Treaty?

Mr. SARBANES. Will the Senator yield on that point?

Mr. SPECTER. No. I would like an answer from Senator ADAMS first. But then I will be glad to yield.

Mr. ADAMS. Because, and I want the Senator from Maryland to have an opportunity to discuss it with the Senator from Pennsylvania also, because in the ABM debate we have a factual dispute which is not being addressed in the INF Treaty. Careful precautions were made in this treaty to state that the executive branch statements of fact were authorized and, therefore, could be depended upon because the treaty is not only an agreement between parties, but as the Senator from Pennsylvania, who is a fine constitutional scholar, knows, the treaty becomes the supreme law of the land, of the United States. Therefore, it is in the treaty-making power of the Senate as it is exercising a legislative as well as a ratification regime. And, therefore, we have tried very carefully to separate the fact that this is not the ABM debate but to be very careful that we are not, by refusing to set forth the position of the Senate on the Sofaer doctrine, acquiescing in the legal effect of the Sofaer doctrine.

If we did not mention it and we did not go into it, then there could be an interpretation that we were acquiescing in the legal interpretation of the Sofaer doctrine.

We will, another day, debate and struggle with the ABM reinterpretation issue on the facts. But this treaty has a definite statement by parties on both sides and that is why the committee had not wanted it. That is the reason for the statement, the paradox that is involved.

If we had not gotten into this reinterpretation thing by the executive branch asserting it, we would not have had to go through this exercise in detail to say the Sofaer doctrine, its legal implications, are incorrect.

We are not trying to reinterpret the ABM or debate it.

Mr. SPECTER. How could the Senate agree with the Sofaer doctrine, which the committee says is inaccurate, by saying nothing? How

could the Senate agree? How could the Senate acquiesce in an erroneous statement of law by not dealing with it?

Mr. ADAMS. Very simply, I would state to the Senator. If you have presented a treaty and this doctrine has been asserted in letters of exchange with Members of the Senate and on the Senate floor, that by not addressing the issue and not stating the position, then have you acquiesced in the statements of the executive branch on the point of law. And that would be argued as the Senator well knows before the Supreme Court. We have both been there and the argument would be exclusio, and so on.

And that is what we are trying to prevent here.

Mr. SPECTER. Exclusio unius?

Mr. ADAMS. Yes, exclusio unius. I will not bore people with our exchange of Latin phrases. But that is the problem. And this treaty is very careful and all of the statements that have been made, and this includes the diplomatic note, the agreed minute and so on, you will see this in the RECORD, and I will supply it to the Senator when he wishes it. I specifically asked the negotiators, for example, on the agreed minute and the diplomatic note, if these were official, these were authoritative statements, not only of the executive branch, but of the Soviet authorities so that at all points we have tried to avoid a factual dispute over the meaning of the treaty.

We do not want to have the Sofaer doctrine applied. We may some day have to argue that in the supreme Court as to the legal misinterpretation. We do not want a factual misinterpretation. That is what this condition is all about.

I hope the Senator will support this, in placing the Senate, as an institution, correctly in the ratification process and in establishing the supreme law of the land.

That is why things are involved.

Mr. SPECTER. I would say to the Senator, the Sofaer doctrine, ABM, should not be part of this debate.

Mr. ADAMS. I hope that—

Mr. SPECTER. Wait a minute. My floor. I am responding to you.

Mr. ADAMS. Yes. I apologize to the Senator.

Mr. SPECTER. I would say the Sofaer doctrine, ABM, should not be a part of the INF debate. I would say further that the Sofaer doctrine and ABM were not a part of the INF issue until the Senate Foreign Relations Committee made it a part of it by inserting this extensive chapter and by raising the Sofaer doctrine and by raising the ABM Treaty. It is squarely in the middle of these proceedings. The way to decide the issue is not to delete chapter IX, the 23 pages it contains of extensive legal argument, but to drop the so-called ABM reinterpretation condition, which is what I

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would hope the Senator from Washington would agree to.

Mr. SARBANES. Will the Senator yield?

Mr. SPECTER. I yield.

The PRESIDING OFFICER. The Senator yields. The Senator from Maryland.

Mr. SARBANES. I think the difficulty here is that there is not "a" Sofaer doctrine. But there are Sofaer doctrines, in the plural. And the committee has set that out very carefully on page 88 of its report.

Judge Sofaer has advanced two claims. One was factual: That, in effect, there were ambiguities in the treaty, and therefore, I would take it, in the understanding of the Senate when it gave its consent to the treaty.

As the Senator from Pennsylvania has pointed out, in seeking to resolve such ambiguities, one looks to other sources—to the negotiating record, to subsequent practice—in deciding international law.

We can discuss further how to resolve an ambiguous situation but I doubt we are far apart on that issue.

The other problem is the constitutional claim asserted by Judge Sofaer. That is what attracted the attention of our colleague, Senator BIDEN: That is what the Senate is told in the process of consenting to a treaty is not in itself of binding significance in determining the subsequent obligations of the executive in carrying out the treaty.

In fact, in testimony during joint hearings of the Judiciary and Foreign Relations Committees, Judge Sofaer stated:

When the Senate gives its advice and consent to a treaty, it is to the treaty that was made, irrespective of the explanation the Senate was provided.

In light of that assertion, as a number of us on the committee have noted, it is not we who first raised the issue. It was, in effect, thrust upon us. Senator DOMP stated, during consideration of the condition:

One can vote for the Biden Condition and still support the "broad" interpretation of the ABM Treaty because that debate is mostly over facts. You ought to vote against the Condition only if you believe that under the Constitution the Executive branch can bring a treaty here, give you an authoritative explanation directed to the meaning of its text, and then after the treaty is ratified return and state that that was not really what the next mean—it meant something else.

All that the condition which the committee has attracted to the resolution of ratification does is to make it clear that, in interpreting the treaty, you look to the text of the treaty, and the authoritative representations provided by the executive branch to the Senate and its committees in seeking Senate comment to ratification insofar as such representations are directed to the meaning and legal effect of the text of the treaty. It is designed to rebut the assertion that the executive can come before the Senate, make au-

thoritative representations as to the meaning of a provision of a treaty, clearly stated and put on the record, and then say that all that can simply be ignored.

Now, if the Senate is going to permit that, then the Senate's role in treaty-making has been essentially obliterated. The Senate, in fact, here, is not trying to assert primacy. It is simply asserting that when the executive makes an authoritative representation as to the meaning of a treaty and the Senate subsequently goes ahead and gives it advice and consent to that treaty, an executive cannot later come along and contend to the contrary as to the meaning of the treaty.

That seems to me to be elementary and, in fact, that has been the traditional view of the treaty-making power.

The departure, if any, that has taken place here is in the far-reaching doctrine of Judge Sofaer making this constitutional assertion. I am not referring here to the factual assertion, in which the question is simply whether or not a provision is ambiguous.

And if it is ambiguous, how do we resolve the ambiguity?

But the factual assertion of an ambiguity was carried a step further, which is what provoked our very able and distinguished colleague, Senator BIDEN, to address the issue. It was asserted that it does not matter what explanation is provided to the Senate when it is considering the treaty.

Now as I listen to the cases that the Senator from Pennsylvania cited, it sounded to me in each instance that he is talking about a case where it is alleged there is ambiguity and the question is how do you resolve that ambiguity. That is not what we are dealing with here.

We are simply trying to deal here with the very specific assertion that the executive can make clear representations as to the meaning of the treaty text, and that those representations can subsequently be ignored.

We are not trying to supplant the executive. We are simply trying to say that the Senate role in giving its consent means something, and that if the executive makes the representations to us as to the meaning of a treaty, they cannot later simply reinterpret it as they choose.

A treaty is not made solely, as the Senator has asserted, between the executive and a foreign country. There is no treaty until the Senate consents to it.

What is the Senate's consent based upon? At a minimum, it seems to me, that the Senate has to be able to rely upon authoritative representations from the executive branch, and that is what this condition seeks to assure.

This seems to me an elementary statement of what has been practiced for 200 years, throughout the history of the Republic, and to deny it is to wipe out the role of the Senate in treaty making.

Mr. SPECTER. Has the Senator concluded?

Mr. SARBANES. For the moment.

Mr. SPECTER. I did not hear the question.

Mr. SARBANES. I said for the moment.

Mr. SPECTER. I thought you asked me to yield for a question. I did not hear the question.

Mr. SARBANES. The question is: Does the Senator disagree with that position?

Mr. SPECTER. The answer to that is yes.

Mr. SARBANES. Does the Senator assert that there is a single Sofaer doctrine?

Mr. SPECTER. There is a single legal Sofaer doctrine. There are factual disputes.

Mr. SARBANES. Does the Senator assert that the executive can make a representation to the Senate in seeking the Senate's consent to a treaty, and that subsequently an executive can ignore those representations as to the meaning of a treaty?

Mr. SPECTER. I answer that question in the affirmative by referring to the committee report, page 94, where the committee expostulates where the executive's representations are few or inconsistent that the executive is not bound. If I may continue.

Mr. SARBANES. Suppose the representation—

Mr. SPECTER. Wait a minute. I have the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I want to continue here because I have not finished my response. I will be glad to yield to the Senator from Maryland if he has further questions when I finish my response on this issue.

First, I would like to take mild issue with the statement by the Senator from Maryland where he says, and I will try to quote him here: "No treaty, as the Senator has asserted"—referring to me—"exists until the Senate consents."

I have never taken the position that there is no treaty until the Senate passes the treaty. I understand the Constitution requires the advice and consent of the Senate—rather fundamental—and I have not said we have a treaty without Senate advice and without Senate consent.

What I have said is that the thrust of this expansive committee chapter establishes a doctrine of two treaties.

The distinguished Senator from Maryland has quoted a sentence from Judge Sofaer's testimony, and I do not want to get involved in replaying all of Judge Sofaer's testimony because that would take a very long time, but the thrust of the Sofaer doctrine, I believe, is accurately stated by the committee report at page 90 where the committee says:

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The Executive is only bound, according to the doctrine, by a particular interpretation of a treaty's meaning if that interpretation meets three criteria: the particular interpretation must have been (1) "generally understood" by the Senate, (2) "clearly intended" by the Senate, and (3) "relied upon" by the Senate.

The committee then refers to its own definition as articulated by Professor Henkin—page 93—to this effect:

Where several [Executive] statements are made and there is general acceptance of their tenor, that is the Senate understanding.

It is my submission, and I will invite the comments by the Senator from Maryland on this issue, that those definitions are very close to being the same, and that there may be a slight expansion in the statements attributed to Judge Sofaer on the language of relied upon, but that is plainly an aspect of an understanding.

Aside from that, and I think that is implicit in Professor Henkin's statement, the definitions are virtually the same. I say that it is really nit-picking to distinguish them. This issue has been raised and debated in some detail, and before asking the distinguished Senator from Maryland for a comment on the analysis of what difference, if any, there exists there, I point out that the issue has been the subject of interpretation by Mr. Culvahouse, legal counsel to the President, and that this issue was addressed by Senator NUNN in hearings before the Foreign Relations Committee. At volume 5, page 144, Senator NUNN says:

If you look at the Culvahouse letter No. 1, at the bottom of page 2, the last sentence, to the top of page 3, "As a matter of domestic law, however, the President is bound by shared interpretations which were both authoritatively communicated to the Senate by the Executive and clearly intended, generally understood, and relied upon by the Senate in its advice and consent to ratification"—that sentence there I agree with completely. So, it is really a matter of the Senate deciding, I think, what that sentence means.

We have to decide—I don't think the executive branch can decide this—are our committees included in that process? Or, do committee activities have to be repeated on the floor?

Or what is a communication to the Senate?

I ask the Senator from Maryland, if he cares to answer, whether he agrees with Senator NUNN's statement that the understanding between the executive and the President "is bound by shared interpretations which were both authoritatively communicated to the Senate by the executive and clearly intended, generally understood, and relied upon by the Senate in its advice and consent to ratification"? Does the Senator from Maryland care to comment on that?

Mr. SARBANES. I think that those tests introduce a new element into the Senate's treaty-making authority that has not heretofore been present.

Mr. SPECTER. What element is that?

Mr. SARBANES. The various elements which the Senator just set out.

Mr. SPECTER. What element?

Mr. SARBANES. The first question is whether the Senator agrees with the Sofaer assertion that when the Senate gives its advice and consent to a treaty, it is to the treaty that was made, irrespective of the explanation the Senate was provided.

Does the Senator agree with that?

Mr. SPECTER. Where is the Senator reading from?

Mr. SARBANES. The bottom of page 88.

Mr. SPECTER. Does the Senator have the full text of the committee hearings at that juncture?

Mr. SARBANES. I do not have them here with me.

Mr. SPECTER. I am very reluctant to comment on one sentence which is taken as one sentence and may be taken out of context.

Mr. SARBANES. That is a reasonable response, but I would take it that that sentence as stated would not command the agreement of the Senator, would it?

Mr. SPECTER. Well, I would repeat that I would want to see the context because what precedes and what follows may give meaning to that sentence.

Mr. SARBANES. Let me just ask a freestanding question then. The Senator does not feel that the explanation given to the Senate with respect to a treaty can be ignored, that its meaning is established irrespective of that explanation, does he?

Mr. SPECTER. Well, it depends on, as the committee report notes, whether it is an isolated sentence that may be inconsistent with other sentences. I believe in all fairness that the real issue is not whether you have a statement which is an isolated statement, which is inconsistent with other statements, which the committee explanation itself disregards saying at page 94 where there are few executive statements or inconsistent executive statements, they do not contribute to a common understanding.

So when the Senator from Maryland asks, Can an executive statement be ignored, well, I do not think any statement can be ignored, but it cannot necessarily be relied upon, or it cannot be the basis for a common understanding if a statement is one of a few and if the statement is inconsistent with other statements.

But I would return to the question which I had posed on the interjection of the distinguished Senator from Maryland. Where you have the committee's own articulation of the Sofaer doctrine on three principles: generally understood by the Senate, clearly intended by the Senate, and relied upon by the Senate, a definition which Senator NUNN has agreed with, I ask the Senator from Maryland if he disagrees with that.

Mr. SARBANES. First of all, I was at the hearing. I do not recall Senator

NUNN agreeing with that, but I will go back and read the testimony.

Mr. SPECTER. Let me make available to the Senator a copy of the hearings.

Mr. SARBANES. I think if the administration makes an authoritative representation as to the meaning of the text of the treaty, that this then takes on bindings significance as to the meaning of the treaty, and that this administration or subsequent ones cannot later say that the treaty means something else.

Mr. SPECTER. Suppose they are inconsistent.

Mr. SARBANES. If they are inconsistent, then one can assert an ambiguity. No one is denying the possibility of an ambiguity. As I said earlier, there were actually two doctrines. One asserts an ambiguity. We faced that before, and I dare say that the cases the Senator was citing from the Supreme Court, when one has a chance to review them, would deal with that sort of case.

Mr. SPECTER. Of course, like the ABM Treaty.

Mr. SARBANES. If there was an ambiguity. Where there is an ambiguity, you try to resolve it.

Mr. SPECTER. Is there an ambiguity in the ABM Treaty?

Mr. SARBANES. We were trying to deal with a very far-reaching assertion. The committee allowed for the possibility of an ambiguity in terms of a factual dispute. That is why I quoted what Senator Donn had to say.

Mr. SPECTER. Does the Senator believe there is an ambiguity in the ABM Treaty?

Mr. SARBANES. My own view on the ABM Treaty is that there is not an ambiguity, but this can be argued as a factual matter.

What I want to get at is an assertion that was made that went beyond the factual argument, saying that the executive can make representations to the Senate which can subsequently be ignored. If one allows for that, there is no treaty-making power in the Senate. And surely the Senator is not asserting that, I hope.

Mr. SPECTER. Of course, I am not asserting that. But yet we do not have the Senator from Maryland coming to grips with the committee's definition of the Sofaer Doctrine on those three principles: generally understood by the Senate, clearly intended by the Senate, relied upon by the Senate.

That is the legal proposition. It does not deal with ambiguity or factual context. What is wrong with it? The Senator has Senator NUNN's testimony there agreeing with it. What is wrong with that doctrine, even if it may be the Sofaer doctrine?

Mr. SARBANES. Did the Senator go on and read the rest of Senator NUNN's comments?

Mr. SPECTER. Well, I sure did.

Mr. SARBANES. Senator NUNN went on to ask what exactly that sen-

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tence meant, and said, "We have always thought that it was through the committee process."

Mr. SPECTER. I read that.

Mr. SARBANES. That is not Sofaer's assertion.

Mr. SPECTER. I read many sentences beyond to be sure it was not taken out of context.

Mr. SARBANES. That is not Sofaer's assertion. I think these tests which Sofaer is trying to establish for the Senate significantly dilute the Senate's treaty-making authority. I think that is very clear.

Now, the committee was very careful to make this condition INF-specific and not, in the course of attaching a condition to the INF Resolution of Ratification to seek to resolve the ABM issue. There is not an effort here to do that. Let that be clearly on the record; one of the reasons that the ABM issue is being discussed here is in order to make that clear. But what the committee did have to address was the claim, which we could not simply allow to pass, that the executive could make these authoritative representations and then subsequently disallow them or act differently.

If that proposition is accepted, as Senator NUNN asserted in the hearing, then we will be forced to attach a whole range of conditions on matters of substance in order to lock into place the authoritative representations as to the meaning of the treaty which were given to us by the executive branch.

Surely, that is not the way the treaty-making power is supposed to work. It is not the way it has worked in the past. And if one thinks about it for a moment, one can see how it would represent a breaking down of the treaty-making power.

There is a necessity for the executive and the Senate to work in partnership on this matter. There is no effort to assert primacy here, which the Senator had earlier contended.

Mr. SPECTER. Mr. President, I believe that the exchange that the Senator from Maryland and the Senator from Washington and I have had—it has been a very brief exchange, perhaps about 30 minutes—illustrates the quagmire that the Foreign Relations report has injected the Senate into on this paragraph, this Chapter IX, which is the ABM interpretation condition.

It involved very factual analysis. It involved the consideration of what are understandings by a general acceptance of few or inconsistent representations. But when you come right down to the legal articulation itself, and I cite this from the Foreign Relations Committee report as it quotes the Sofaer doctrine, that it is generally understood by the Senate, clearly intended by the Senate, relied upon by the Senate, and you take a look at Senator NUNN's testimony before the Foreign Relations Committee which I read totally, even went beyond the relevant part to be sure that there would

not be any possibility of having excluded any substantive testimony by Senator NUNN which bore on these three factors, and Senator NUNN does agree with them, you really have the essence of the doctrine which has been established as a matter of law.

The Foreign Relations Committee report seeks to change that or tries to change that. And the Senate committee report certainly confuses it with its very extensive discussions.

Mr. President, I would submit that this chapter is really a red herring on the Sofaer doctrine, that if the ABM Treaty is debated at length I submit we will find that the Soviet Union did not agree to the narrow interpretation. The negotiating record will show and the substantive practices of the parties will show that the record has few references to the issue of narrow versus broad, and those references are inconsistent references. So even under the committee's standard, there would not be a common understanding.

We would find further that adherence to the narrow interpretation unfairly prejudices the United States as contrasted to the Soviet Union.

Mr. President, I think it is worthwhile to take a moment or two to describe my own involvement here. My study of this issue did not begin with the so-called Sofaer doctrine. It began with conversations with Ambassador Kampelman and Ambassador Cooper in Geneva last year where there was a concern on the part of the U.S. negotiators that if the United States was bound by the so-called narrow interpretation of the ABM Treaty that it would substantially prejudice our negotiations. I then took upon an analysis of the negotiating record, the ratification record, and the subsequent practices of the parties. I came to the conclusion that it was filled with ambiguity, that it was entirely appropriate for the United States to take the position that the broad interpretation prevailed.

Mr. President, if we are bound by the narrow interpretation as a matter of treaty doctrine, I say we ought to observe it. If we are not bound by it, I say we ought not to observe it in a context where it costs substantial extra money on our tests, perhaps billions, where it substantially delays our tests. This Senator has not been an outspoken advocate of the strategic defense initiative. It seems to me it is worth experimenting with. But when votes have occurred in this Chamber in the past on the level of funding, I have voted for a moderate level of funding.

So I do not come to the narrow versus broad interpretation with the previous position to give unbridled latitude to the strategic defense initiative. I come to the interpretation that there is ambiguity, and that there is a legitimate case to be made for the broad interpretation as a matter of constitutional law as a matter of treaty interpretation.

Mr. President, I think it is not inappropriate to comment here today that Judge Sofaer has in the opinion of this Senator been personally pilloried and unfairly pilloried. Judge Sofaer left a lifetime appointment as a judge on the U.S. District Court to become the legal advisor to the Department of State. And Judge Sofaer has stood up on some very tough occasions, and has disagreed with some in the executive branch on matters of credibility and on matters of integrity.

I believe that Judge Abraham Sofaer deserves better than what has evolved in this debate—not the debate on the floor today but the discussion of the so-called Sofaer doctrine—where he has been sharply criticized beyond, I think, the point of fairness—pilloried.

I have known Judge Sofaer for more than 20 years. I knew him when he came to staff meetings, and I was district attorney of Philadelphia and his brother-in-law was one of the assistant district attorneys in my office. I have watched Judge Sofaer's career over the course of the years. And he came to this town with his integrity. That is about what most of us come to this town with. I think he is entitled to leave this town, if he is to leave this town, with his integrity intact.

Mr. SARBANES. Will the Senator yield on that point?

Mr. SPECTER. No. I will not yield.

The PRESIDING OFFICER. The Senator does not yield.

Mr. SARBANES. I want to make a point about this question of integrity, in all fairness to Judge Sofaer.

Mr. SPECTER. I change my position and yield.

Mr. SARBANES. I do not think disagreeing with Judge Sofaer on a matter of an assertion as to the treaty-making power or upon any other issue of substance represents questioning Judge Sofaer's integrity. I certainly have not done that here on the floor of the Senate. I have not heard anyone else do it here today in this debate. I differ with the Senator on occasion on issues of consequence, and hope that these differences are not perceived in anyway as questioning the Senator's integrity.

Mr. SPECTER. I agree with what the Senator just said.

Mr. SARBANES. I thank the Senator.

Mr. SPECTER. I said earlier it was not as a result of the debate on the floor today. But there have been issues raised as to Judge Sofaer's integrity, and as to his veracity. I can tell the Senator, and I can tell this body, that my response to those issues and those questions have troubled me very, very considerably. This Senator has criticized some members of the State Department on grounds of integrity and veracity. I think that such comments are warranted in some cases on the facts.

But I believe that Judge Sofaer has approached this issue as a legal

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matter. I think it is subject to analysis and debate and criticism. And every comment that was made by the distinguished Senator from Maryland was entirely appropriate today. It may not have been entirely accurate as I view it. It may have been entirely accurate—certainly it was entirely accurate as the Senator from Maryland viewed it. But there have been comments which have been made about Judge Sofaer which I think are unwarranted.

Mr. President, to try to complete this issue as to Judge Sofaer, it is my view that Judge Sofaer's legal analysis in the so-called Sofaer doctrine does not suffer by comparison with Senators' utterances on this floor, nor does Judge Sofaer's legal analysis or the Sofaer doctrine suffer by comparison to the committee report by the Foreign Relations Committee. I think it is fair to say, Mr. President, that my own record shows a certain independence from the administration on constitutional issues. And I dare say, I think, if this matter were to be submitted to an appellate court on a doctrine that you might call Sofaer, or Kampelman or Cooper or Specter versus a doctrine that you might denominate as PELL, NUNN, CRANSTON, or BIDEN, that the so-called broad interpretation would have an excellent chance to prevail. I think it in effect would prevail.

Mr. President, I am about to conclude. I want to conclude with the consequences which are described and commented upon in the report of the Foreign Relations Committee. The committee takes up some of the issues which were raised by Mr. Culvahouse. The committee says that there is no unilateral risk to the United States. On page 103 the committee says:

Under this heading, the White House letter seeks to raise the specter of the United States being bound by constitutional processes to one interpretation of a treaty while the Soviet Union is free to apply a less restrictive interpretation.

Then the committee report goes on to say that is highly theoretical. Well, that flies in the face of the known facts on the ABM controversy. The so-called narrow interpretation seeks to bind the United States to a much more expensive testing process, involving perhaps billions. It seeks to bind the United States to a testing process which is much slower, and it gives the Soviet Union latitude to follow a broad interpretation because the Soviet presidium is hardly likely to challenge the General Secretary on what kind of tests the U.S.S.R. seeks to conduct. It is not highly theoretical at all.

The other consequence which the committee report makes light of appears at page 103. The committee report refers to the alternative, that the United States has the "option of withdrawing from the treaty."

I hardly consider that to be a palatable option, to withdraw from the ABM Treaty.

The first to complain about any such suggestion would be not only this

Senator but also every Senator on the floor who has argued against the broad interpretation of the ABM Treaty.

Mr. President, we have before us a treaty which is a good treaty, for reasons that I specified earlier, but where we have injected into it the ABM reinterpretation condition—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPECTER. Mr. President, I do not believe I have a time limit. I had as much time as I needed, but I am only going to use about another 2 or 3 minutes.

The PRESIDING OFFICER. The minority leader had yielded to the Senator from Pennsylvania his time, and the time of the minority leader has expired.

Mr. SPECTER. Mr. President, I respectfully suggest that the Chair is in error, that there is no time agreement, and that I sought the floor and achieved the floor. But there was a preceding statement by the Senator from Indiana that I had as much time as I might require.

Mr. SARBANES. Mr. President, I think the Senator used all the time he had been yielded. Perhaps we can yield him some time from this side, in order for him to finish his statement.

The PRESIDING OFFICER. The Senator from Rhode Island controls the time.

Mr. PELL. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifty-nine minutes and 10 seconds under the control of the Senator from Rhode Island.

Mr. PELL. How much time on the minority side?

The PRESIDING OFFICER. No time.

Mr. PELL. As a matter of comity, I yield 5 minutes to the Senator from Pennsylvania; then the Senator from Illinois.

Mr. CRANSTON. Mr. President, if the Senator will yield, I would like an opportunity to respond very briefly. I know Senators have been waiting to make opening statements. I would like an opportunity to ask a question and respond briefly to the Senator from Pennsylvania.

Mr. LUGAR. Mr. President, to clarify the time situation, how much time has been consumed by the minority?

The PRESIDING OFFICER. The entire hour.

As the Chair understands, there was 1 hour allocated to the minority leader and 1 hour allocated to the majority leader. The majority leader designated the Senator from Rhode Island to control that 1 hour. From the 1 hour allocated to the minority leader, he gave such time as was necessary to the Senator from Pennsylvania, and the 1 hour has now expired.

Mr. SPECTER. Was I charged with time when Senator SARBANES spoke?

The PRESIDING OFFICER. Since the Senator from Pennsylvania had

the floor and controlled the floor, the time that he yielded for questions was charged against the Senator from Pennsylvania.

Mr. SPECTER. I am glad to have the time charged to me when I yield for questions, but I wonder how much time was consumed by the speech.

Mr. SARBANES. If the Senator will yield, I say to the Senator that he yielded, and one of the reasons I suggested that we yield him some time from this side in order to enable him to complete his speech, is because there was an exchange. That is why I made the suggestion, on which the chairman of the committee has now acted, that additional time be given to the Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator. I would appreciate not more than the additional 5 minutes which the distinguished chairman of the Foreign Relations Committee has yielded.

The PRESIDING OFFICER. The Senator from Rhode Island has yielded 5 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in conclusion, I submit that the INF Treaty is a very good treaty, for reasons which I specified earlier.

It is the hope of this Senator that we could proceed with a thoughtful consideration of the treaty, not rushing to judgment, but considering it in the detail that this deliberative body ought to accord it, perhaps working evenings, perhaps working weekends, but finishing it before the President's trip to Moscow.

It is a concern of this Senator that if we become involved in the ABM reinterpretation condition, the debate which just occurred will be amplified many times over and that it may realistically be impossible to conclude the debate before the President goes to the summit in Moscow; that there are massive factual questions which are raised, on which we just scratched the surface, if we are going to get involved in the ABM Treaty on factual issues; that the ABM reinterpretation condition, which is in the Foreign Relations Committee report, will involve elaborate, extensive debate on the law; because it revises international law on treaty interpretation, because it confuses U.S. constitutional law on treaty interpretation, and because it injects a Trojan horse by being a boobytrap into these INF proceedings.

For these reasons, it is my hope that it will be excluded from consideration, that the condition will not be applied to the treaty, so that the treaty may be appropriately considered and promptly ratified.

I yield the floor.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from California.

The PRESIDING OFFICER (Mr. Reid). The Senator from California.

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Mr. CRANSTON. Mr. President, I do not propose to engage in any significant, prolonged debate with the Senator from Pennsylvania. I know that other Senators are waiting to make their opening statements about this treaty. However, I think it is important to amplify a little upon what has been said.

It is not our purpose—those of us who have supported the interpretation provisions in the Foreign Relations Committee, now on the Senate floor—to rehash ABM. We did our best to separate ABM from our provision. We put into the committee report that this was not to be regarded as dispositive of decisions about ABM in any way, that that will be worked out elsewhere, and we very specifically stated in this interpretation provision that it refers to this treaty.

Original drafts and other drafts refer generally to the treaty power. The record will show that we restricted it to this treaty.

I do not think that we are really as far apart as the debate that we have had this morning might indicate on this issue. There is no objection on the part of Senators who support the present interpretation language that was reported by the committee to arguing for a broad interpretation of any treaty on the basis of ambiguity. It was ambiguity in regard to the ABM Treaty that led, I believe, to that situation. I do not believe there is any ambiguity, at least none has been brought forth thus far, that we have to be concerned about in this treaty.

What we are objecting to is not interpretation, but reinterpretation on the basis of a claim that prior administrations' representations to the Senate are not binding and are meaningless.

I call the attention of the Senator from Pennsylvania and the Senator from Indiana, who I know is very concerned about this matter, to an exchange that occurred between Senator NUNN, who has been one of the most concerned about this issue from a counterpoint of view, and Secretary Shultz in the Foreign Relations Committee just 2 days ago, on the 16th.

They came to a meeting of the minds in the course of the following exchange. Senator NUNN stated to the Secretary, who was appearing before the committee:

You state here, relating to the Biden amendment, that is "the wish by some in the Senate to attach a condition to the resolution of advice and consent to ratification which would restrict the President's authority to interpret treaties."

I would like to just get you to react to my view of that. We are not restricting in the Biden amendment, if and when it comes part of this, the President's right to interpret treaties. What we are saying is when we get authoritative testimony, if the President later, after ratification, decides to change that testimony, that is not an interpretation; that is a re-interpretation.

On matters that have not been testified to, that have not been given an authoritative testimony, that would be an interpreta-

tion. To me, there is a fundamental difference.

Would you agree or disagree with that?

Then Senator NUNN went on to say:

I guess I am saying that your testimony is not authoritative, and if it is authoritative it does not mean anything, if on that same testimony when a point has been raised, it has been testified to, the testimony is authoritative, if this President or another President then goes back and changes that. Then that is not an interpretation; that is a re-interpretation. That is my only point.

I think that is the only point, may I interpolate, of those who are concerned about this matter from the point of view of those who supported the interpretation language which should be called reinterpretation language in the report.

Secretary Shultz then said:

As you put it, the answer is clearly yes. As I would understand it, when there is something that is clear in the treaty and in the testimony and debate and so forth, as in this case, then when that treaty is ratified it and that understanding of the record becomes U.S. law.

If there is something that has not been covered or in the judgment of some has not been covered, that is what leads you back to look at the treaty record and things of that kind. We have tried to deal with these issues in the case of the INF treaty in several respects that are, I believe, at least somewhat unprecedented.

First of all, the full record of the negotiations has been available to you. So there is not something that is lying in the weeds over there that you have not got access to.

Second, we have stated that the testimony is authoritative.

And third, we have said that the President will stand by that authoritative testimony.

So we think we have laid down all the things that are needed to pin this treaty down very carefully, in precisely the way you just said.

Senator NUNN. Well, I think following that format we ought to be able to resolve between the executive and the Senate this continuing disagreement over the Biden amendment.

I think that is the key to it. An interpretation is in the first instance. The re-interpretation would be a reversal of previous understanding with the Senate, and that to me is the fundamental difference in what we are talking about. And I hope we can resolve the Biden amendment.

It seems to me that that creates the foundation for an agreement among those who have had differing views as this matter has unfolded. I hope that can be the case.

If some revision of the language in the committee amendment is needed, we are here to explore that.

Various proposals were made at the time that we got to the point of offering that in the committee. I met with the Senator from Indiana and showed him several different drafts. We did not reach an agreement there. So, I went with the draft and the committee then went with the draft that seemed to be the clearer statement of the viewpoint that those of us who felt something had to be done would be represented by.

Mr. SPECTER. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. Certainly.

Mr. SPECTER. When the distinguished Senator from California says that there is no objection to the current interpretation of the INF Treaty, only as to issues of reinterpretation, the sole issue in the Senate today is the interpretation of the INF Treaty, why bring up the question of reinterpretation of treaties?

Mr. CRANSTON. It has been brought up by the Sofarer doctrine as it seemingly was applied to the ABM Treaty. We do want to separate this out. That is why this language in the committee report refers to this treaty.

The Senator and I cannot resolve this matter now on the Senate floor, but the foundation has been laid for an opportunity to resolve it.

One thing that might make the committee report more acceptable would be the reference to the Constitution in the opening phrase was eliminated. I know that has been found offensive to some people on the Senator's side. We are not adamant about that language.

I am concerned, as the Senator is, about resolving this matter in time to complete this treaty and have it approved for ratification before the President goes over to Moscow. I think it is very important that we work that out.

Therefore, I hope we cannot spend too much time debating it on the floor but, while others are debating other amendments, try to work a solution to this problem acceptable to both sides.

At the outset of this business, I think there was a danger. Either way it went, votes were going to be lost. I do not think we are in that shape. I think our hope is not to lose votes but also not to lose time. So let us try to work this out.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. SIMON. Mr. President, and my colleagues in the Senate, first, if I may comment briefly on the Biden amendment that has been under discussion here, I would point out that the Biden amendment does not mention the ABM Treaty. It talks about the broad principles which I find essentially sound.

I will ask unanimous consent to print in the RECORD a letter from the chair of the Committee on International Arms Control and Security Affairs of the New York City Bar Association. It is a letter from Donald H. Rivpin, in which he says among other things:

Specifically, the committee supports the principles contained in the condition to the Treaty that the Committee on Foreign Relations has adopted: that a treaty is to be interpreted according to the shared understanding of the Senate and the executive, based on the authoritative representations made by the executive to the Senate.

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These principles are fundamental to our constitutional scheme and cannot reasonably be questioned.

Mr. President, I ask unanimous consent to print that entire letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK,
New York, NY, April 15, 1988.

HON. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR SENATOR PELL: On behalf of the Committee on International Arms Control and Security Affairs of the Association of the Bar of the City of New York, I am pleased to convey to you the Committee's views on the proposed Resolution of Ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles.

The Committee supports the proposed Resolution of Ratification as reported to the Senate by the Committee on Foreign Relations. Specifically, the Committee supports the principles contained in the condition to the Treaty that the Committee on Foreign Relations has adopted: that a treaty is to be interpreted according to the shared understanding of the Senate and the Executive, based on the authoritative representations made by the Executive to the Senate.

These principles are fundamental to our Constitutional scheme and cannot reasonably be questioned. Indeed, for this reason, these principles are implicit in and integral to every resolution of ratification that the Senate adopts.

You may place these views in the official record if you wish.

Sincerely yours,

DONALD H. RIVKIN,
Chair.

Mr. SIMON. Mr. President, my concern here is that, if the United States can unilaterally reinterpret a treaty, what is to prevent the Soviet Union or any other country that we have a treaty with from reinterpreting, in effect negating, a treaty that we have agreed upon?

If it is urgent that the United States break a treaty, there are steps provided in that treaty, in the ABM Treaty, for doing that. We ought to follow those steps, not come along with a reinterpretation.

In line with what my colleague, Senator CRANSTON, said quoting from Senator NUNN, I would point out on page 95 of the report there is printed a portion of the letter from the White House counsel, Arthur Culvahouse, in which Senator NUNN saw the sentence from the Culvahouse letter as, and I am quoting here, "casting doubts on the authoritativeness of all executive branch communications concerning the INF Treaty."

The reality is if I would enter into an agreement with the Senator from Nevada, who is presiding right now, to any kind of a contractual agreement and we agree on the stipulations, after that neither of us should be able to change that agreement.

And that is fundamentally what is being talked about here.

It is important for both nations to comply and it is important for Congress in the future, the U.S. Senate specifically, because we have the treaty responsibilities, to understand that once there is that general understanding as in the Biden amendment that talks about that common understanding, that that is binding until there is change according to the law.

Our colleague from Maryland, Senator SARBANES, is correct. This just underscores that this has to be a partnership between the executive branch and the U.S. Senate. We ought to be working together. But the Biden amendment, if you simply read the Biden amendment, it seems to me it is sound, it is solid and I am pleased it is there.

Now on the INF Treaty itself, just a few points:

First, I read some criticism that it is much too small a step in the direction of arms control. It is, in a sense, a small step, but it is a step in the right direction.

I once served in the Illinois General Assembly. When I was first elected to the Illinois General Assembly, I proposed amendments and introduced bills that would have revolutionized the State of Illinois and improved it dramatically. My bills were overwhelmingly defeated. Then I started moving on our problems step by step and my bills were adopted.

That is what we are doing here. Frankly, had the Reykjavik summit agreed upon the total elimination of nuclear warheads, as they were once talking about, I doubt that that ever would have seen fruition. I doubt that it would have been approved by the U.S. Senate.

Here we are taking a step—not a huge step, but a significant step—and that significant step includes two things that I think really are important in addition to that reduction of warheads. One is onsite inspection for the first time—onsite inspection in the Soviet Union and in the United States. It includes a monitoring that can take place at the Soviet Votkinsk Machine Building Plant and it includes monitoring that can take place at the U.S. Hercules Plant No. 1 at Magana, UT. For the first time, we have onsite inspection in the Soviet Union. That seems to me to be a very important point.

Second, we have a partial flight testing ban. This is verifiable. There is no problem with it. It is a flight testing ban on this class of missiles going from 500 to 5,500 kilometers ground-based ballistic missiles and cruise missiles. That is a step in the right direction.

Then, for those who say there are risks—and I glanced through the very considerable dissenting views of my friend and colleague, Senator Jesse HELMS, and there are some risks. But I would point out that on the ground-

launched cruise missiles, we get rid of a total of 689; the Soviets 826. The shorter range missiles, we get rid of 170; they get rid of 926. Those are pretty good numbers. That clearly is not a great risk from the viewpoint of the United States.

Second, there are still strategic missiles and submarines. We still have a massive number of missiles all over the face of the Earth that can respond to any potential threat.

But in terms of risks, we have to also ask ourselves: What is the risk in not doing it? And there the risks are much, much greater, the risks in terms of weapons systems. And here, somehow, if we are going to have a world where our children and generations to come are going to have a chance, we are going to have to move away from a constant escalating arms race. So from the viewpoint of security, it seems to me we are much better off.

We are spending tens of billions of dollars more on arms than we were 20 years ago, 30 years ago. Are we creating a more secure and brighter future for our children in the process? My strong conviction is that we are not.

Then the second risk that is diminished is, frankly, the economic risk. One of the reasons, if we are to believe Mr. Gorbachev's statements—and in this one I do believe what he has to say—he has looked at the Soviet economy and he says that the Soviet economy is in bad shape. He recognizes that if the Soviet economy is to be improved, they are going to have to move away from excessive expenditures on arms.

What is true in the Soviet Union, what he talks about, is the Soviet system that is a first-rate power militarily but a second-rate power economically.

The United States today is a first-rate power militarily. It is a first-rate power economically, but if we continue to spend money on arms without limit, the reality is we are going to become a second-rate power economically. The risks are much greater in not going ahead, and I hope we will go ahead promptly.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. CRANSTON. Mr. President, I yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. SARBANES. Mr. President, I thank the distinguished Senator for yielding time.

Mr. President, after 29 separate hearings with a total of 85 expert witnesses, the Senate Foreign Relations Committee on the 30th of March voted overwhelmingly—by a vote of 17 to 2—to report favorably the resolution of ratification of the INF Treaty as amended by the conditions adopted by the committee.

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I wish to take this opportunity to commend the chairman of our committee, the distinguished Senator from Rhode Island, for his effective leadership throughout the hearing process and for his very hard work and dedication in moving the matter forward and in bringing the treaty to the floor of the U.S. Senate for consideration.

I also want to recognize the contributions which were made by the Senate Armed Services Committee and the Senate Select Committee on Intelligence. There was an unprecedented cooperative effort on the part of these committees, and the Senate Foreign Relations Committee, each with an interest in the treaty. Both the Armed Services Committee and the Senate Select Committee on Intelligence made reports on their deliberations to the Foreign Relations Committee before the committee concluded its own deliberations.

I support this treaty. I supported the committee in reporting it favorably to the floor of the Senate. I believe it serves the national interests of our country, and I hope it will be ratified in prompt due course.

The treaty between the United States and the U.S.S.R. on the elimination of the intermediate range and shorter-range missiles, together with a memorandum of understanding and the two protocols thereto, all collectively referred to as the INF Treaty, was signed by President Reagan and General Secretary Gorbachev in Washington on December 8, 1987.

If ratified, it will become the first United States-Soviet arms treaty to be formally enacted since 1972. It represents a significant achievement in arms control and an important first step toward reducing the danger of nuclear war. It provides not for slowing down or capping the increase in nuclear weapons, but, in fact, for the elimination of an entire class of nuclear missiles, those with ranges between 500 and 5,500 kilometers; namely, between 300 and 3,300 miles.

The treaty establishes a very important principle in the reduction of nuclear weaponry; and that is it provides for asymmetrical reductions, whereby the Soviet Union will be eliminating many more weapons with far greater destructive capacity, than will the United States. This simply reflects the fact that in this category of weapons, the Soviet Union now has a significant numerical advantage over the United States.

Hopefully, this precedent of asymmetrical reductions will serve us to good purpose in subsequent arms negotiations and agreements.

The INF Treaty also breaks new ground by granting rights to extensive onsite inspections of facilities where INF missiles are produced, deployed, tested, stored, and repaired. These onsite provisions represent a major breakthrough in the verification field. It is something upon which the two superpowers have, in the past, never

been able to reach agreement. Of course, the United States will continue to rely significantly on its national technical means and its intelligence sources for monitoring compliance with the treaty, but the onsite inspections and the formal data exchanges will be very helpful in verifying the destruction of missiles as well as building confidence in the treaty regime.

Also of significance is the fact that the treaty will serve to strengthen and reinvigorate the NATO alliance. By eliminating the triple warhead Soviet SS-20 missile, the treaty will not only remove the current Soviet advantage in intermediate-range nuclear weapons, but also the political threat which those weapons were designed to pose.

There was considerable concern at the time that the Soviets first put these weapons in place that it was an effort to decouple our allies in Western Europe from the United States, since these missiles could reach into the territory of our NATO allies in Europe but not reach the territory of the Continental United States.

It is true, of course, that the Soviet Union can retarget Western Europe with their longer-range missiles, the same missiles that are capable of reaching the United States. But the political dichotomy which the SS-20 sought to put into place will be removed as a consequence of the elimination of those weapons under this treaty.

The treaty also serves in a broader way to recouple the United States and Western Europe by demonstrating the cohesion of the NATO alliance in working toward a specific long-term goal. In 1979 NATO agreed to a dual-track response to Soviet deployment of the SS-20 missile; on the one hand, we would move to deploy our own intermediate-range weapons in Europe, while on the other, we would seek to negotiate for the removal of all of those weapons. After initial attempts to negotiate an INF Treaty did not succeed, our European allies proceeded with deployment of the Pershing II and cruise missiles on their territory, despite considerable domestic opposition.

The persistence in following this dual-track approach has brought results. We now have a treaty before us for the complete elimination of all land-based INF missiles.

There is another area in which I think this treaty is very significant but which has received less attention, and that is its impact upon our allies in Asia and in the Pacific.

Most of the discussion of this treaty has dealt with it in a European context but since it now applies globally, its implications for the U.S. position in Asia and the Pacific, as it involves our relationship with important allies in that region of the world, needs to be touched upon.

For a good part of the negotiating process with respect to the INF, it was envisioned that a certain number of

SS-20's would be allowed to remain in place—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. Will the Senator yield me an additional 4 minutes?

Mr. CRANSTON. Of course.

Mr. SARBANES. I thank the Senator. That the Soviets would move some of their SS-20's into Soviet Asia where they would be able to keep a limited number.

Such an agreement would have posed a number of problems. First, the possibility that the missiles, since they were mobile, could be reintroduced into the European theater in fairly short time; second, the greater difficulty in verifying the treaty, since it is much easier to verify a situation where the presence of any missile of the type is a violation than one where there are a certain number of such missiles; and, finally, the continuing threat that such missiles in the Asian part of the Soviet Union would have posed to our allies in Asia and the Pacific. The global application, the total removal of these INF missiles addresses all those concerns. And this treaty is very strongly supported by our friends and allies in the Asian and Pacific region.

Mr. President, since the Foreign Relations Committee reported the treaty favorably to the Senate, a couple of issues have been raised as to its scope and application. The most important of these was the issue of future technologies, and whether the term "weapon-delivery vehicle" would apply to missiles that contained neither nuclear nor conventional explosives.

That question has now been clarified through the exchange of diplomatic notes, sworn and sealed in Geneva on the 12th of May, which makes it clear that the treaty applies to all intermediate-range and shorter-range missiles, flight tested or deployed to carry weapons based on either current or future technologies.

The other questions which arose in recent weeks involved the rights and procedures for inspections under the treaty. They arose during discussions which were being held between the two countries to establish procedures for the immediate implementation of the treaty upon ratification. I think it is a tribute to the skill of our negotiators, as well as an indication of the importance of this treaty to the interests of both parties, that those matters were resolved expeditiously and satisfactorily.

Mr. President, I addressed earlier, in an exchange with the distinguished Senator from Pennsylvania, the question of the condition attached to the resolution of ratification by the Foreign Relations Committee concerning the interpretation of the treaty. I assume that we will revisit that issue in the course of the debate.

Let me underscore a point made by the very able Senator from California

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in this regard, and that is that the language of the condition is clear in providing that it applies to this treaty, the INF Treaty. The committee was very careful to limit it in that regard in order to avoid becoming enmeshed in the extensive debate which has taken place with respect to the ABM Treaty.

Mr. President, the INF Treaty is a good treaty. It represents the culmination of years of hard work. I urge my colleagues to consider carefully the significant step forward which it represents.

It by no means addresses all of the issues that are in dispute between ourselves and the Soviet Union. It is not and cannot be expected to define the full scope of that relationship. There are still a great many serious and fundamental issues which divide our two nations; issues of human rights and religious freedoms; critical questions of regional conflicts; a broad range of issues affecting every aspect of our relationship.

However the INF Treaty does represent an important step forward in the security relationship between our two countries. It should help to set a better environment for addressing those other issues which still remain in sharp dispute between us and which will require clear, tough minded thinking on our part as we seek to obtain improvements in those important areas as well. I urge approval of this treaty.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I yield 20 minutes to the Senator from Alabama.

The PRESIDING OFFICER. From whose time?

Mr. CRANSTON. From our time on this side of the aisle.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 20 minutes.

Mr. SHELBY. Mr. President, The Senate Armed Services Committee report on "NATO Defense and the INF Treaty" recommends that the INF Treaty be ratified, subject to certain recommendations and possible understandings. As a member of the committee, I voted to approve the report.

However, I take issue with the committee's assessment that the positive features outweigh its weaknesses.

In many ways, I must confess that I feel like "we're damned if we do, and damned if we don't" support ratification of this treaty. Let me explain.

Administration witnesses have been quick to identify the major advantages of the treaty:

The Soviets will dismantle four times as many weapons systems as will the United States.

We will have achieved a breakthrough in onsite inspections.

We have validated NATO's dual-track decision to deploy INF systems, thus helping to disarm modernization critics within NATO.

We have increased dialog at the highest levels between the United States and Soviet Union.

Now let me review some of the disadvantages of the accord:

As the Armed Services Committee report points out, "Every target currently targeted by Soviet shorter-range and intermediate-range systems can be assigned to other Soviet nuclear systems." Thus, the nuclear threat to NATO and the United States will not be diminished by this treaty.

The Supreme Allied Commander in Europe will have less flexibility in potential courses of action available to implement the NATO strategy of flexible response.

Further, we have lost from our future inventory any conventionally armed ground launched cruise missile capability. Covered by the definition of conventionally armed GLCM's are lasers, microwaves and other futuristic weapons, as well as existing explosive warheads, an issue that was never discussed during negotiations, but apparently cleared up after the treaty was signed.

The treaty spotlights the glaring conventional force imbalance which exists between NATO and the Warsaw Pact. One more incentive for the Soviets to address this imbalance in a meaningful fashion has been lost to us.

Worse, we may have left our allies naked to the threat of Soviet nuclear or conventional force blackmail, or perhaps even made Europe safe for conventional war.

The political capital expended in the initial deployment of INF systems within NATO makes the likelihood of further nuclear weapon modernization doubtful, certainly in the near term.

Finally, the administration has yet to define methods by which it would respond to Soviet noncompliance.

Had this treaty been negotiated after the conventional arms imbalance between NATO and the Warsaw Pact been addressed, it would be a better treaty. Mr. President, had this treaty been negotiated after our strategic vulnerability had been addressed, it would be a better treaty. Had this treaty been negotiated after the ambiguities surrounding the ABM Treaty had been clarified, I believe it would be a better treaty.

But these things did not happen. The treaty has been negotiated. And because it has addressed issues and systems out of sequence in the arms control process, the resultant effect—should we examine only the treaty as the administration desires—may be negative to us.

Yet, we cannot ignore consistent testimony by highly regarded witnesses that nonratification of the treaty at this point would be far more harmful

than any real or perceived negatives associated with ratification.

The unfortunate reality is that in spite of all its warts, nonratification of the treaty could shatter NATO unity, fuel the fires of European denuclearization, and further force West Germany toward a more neutral stance.

Incredible as it seems, the Senate has been presented with a treaty whereby nonratification would be even more advantageous to the Soviets than would ratification.

How have we gotten ourselves into this box? I would say, we must look to our Nation's arms control negotiating strategy.

Further, I would even go so far as to state that once we have completed this examination, we can only conclude that this administration's approach to the process is flawed.

Consider for a moment that we in the Senate have not even completed our debate on the INF Treaty. Yet the President will travel to Moscow on May 29 with the intention of moving even closer to signing a START treaty which will cut strategic arsenals in half.

Moreover, 4 months after signing the treaty, Secretary of State George Shultz and Soviet Foreign Minister Eduard Shevardnadze were still negotiating differences on inspection rights. The verification regime is supposed to be the outstanding feature of this pact. It still may be, but this conflict came about because we were operating under a self-imposed deadline. The State Department was under orders to finish the treaty by December 8. Now, we appear to be operating under another deadline, to finish Senate consideration of this treaty by May 29.

I believe this is incredibly dangerous to our national security. The negotiating pace seems so fast that our efforts to decrease arms may now perversely increase instability and risk of war.

The costs are likely to be high because the Soviets have a poor track record when it comes to honoring treaties.

Mr. President, some of the glaring examples I would like to share with you.

Treaty violations by the Soviet Union: ABM, the violation of illegal radar; SALT I and SALT II, encoded missile test signals, new SS-25 ICBM.

1972 Biological Weapons Convention Treaty: What were the violations? Transfer, use of lethal chemical weapons in Laos, Cambodia and Afghanistan.

1974 threshold test ban: Violation, the 150 kiloton limit was exceeded.

Mr. President, the Soviets have violated a lot of their treaties in the past. We know that.

In spite of these violations, the administration is set on pursuing a policy to reduce ballistic missiles and bombers by half.

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Critics note that for the past two decades, there seems to be a correlation between Presidential vulnerability and arms control agreements. American Presidents, weakened politically at home, have sought their place in world history through arms control and nuclear disarmament. Although this goal of world peace is certainly worthy, our Presidents have too often negotiated with the Soviets from positions of weakness.

The path chosen by the administration is high risk. One can figure that, without painful attention to the calculus involved, proportional reductions in our forces may well increase the probability that the Soviets could, in a first strike, eliminate not only our ground based strategic weapons, but also our command and control systems.

Consider that the giant Soviet SS-18 ICBM force alone has more megatonnage than the entire U.S. strategic missile force. The SS-18 carries 10 warheads, yet there are estimates it can carry from as many as 14 to more than 20. This scenario gives the Soviets the capability to blanket each hardened target in the United States with three or more SS-18 warheads, thus leaving the entire remainder of their force in reserve.

A U.S. News & World Report article, December 21, 1987, pointed out the risks involved in achieving balanced reductions in strategic weapons. A case was cited such that if the United States decided to reduce land-based missiles by two-thirds, the current Soviet advantage in warhead-to-aimpoint ratio would leap from 3:1 to 5:1.

Consider that since the Cuban missile crisis, the Soviets have moved from a position of strategic nuclear inferiority to one of at least parity, and arguably, one of superiority. Throughout the 1970's and 1980's, despite SALT I and SALT II, the Soviets continued to expand their nuclear arsenal.

Today, in comparison to the United States, the Heritage Foundation's Arms Control Handbook reports that the Soviets now maintain the following advantages in strategic forces. Strategic vulnerability. Let us review this chart. Warhead-to-aimpoint advantage, U.S.S.R. 3 to 1; ICBM throw-weight, 4.7 to 1 advantage U.S.S.R.; ICBM sea-launched ballistic missile gross yield, 3.4 to 1 in favor of the Soviet Union; ICBM SLBM megatonnage, 1.8 to 1 in favor of the U.S.S.R.; ICBM hardtarget kill capability, 2 to 1 in favor of the U.S.S.R.; strategic nuclear delivery vehicles, 1.3 to 1 in favor of the U.S.S.R.; independently targetable warheads, 1.2 to 1 U.S.S.R., strategic bombers, 1 to 1.8 for the United States; SLBM independently targetable warheads, 1 to 1.8 favorability toward the United States.

For any START Treaty to be effective, it must reduce the odds that U.S. land-based systems could be destroyed in a first strike. Any strategic arms

treaty that does not eliminate the Soviet advantage in heavy ICBM's, such as the SS-18, should not be signed.

As is, the protocol apparently agreed to by Reagan and Gorbachev sets limits of 1,600 strategic nuclear delivery systems for both sides. No more than 6,000 warheads will be allowed. But the Soviets are authorized to retain up to 1,540 warheads on the SS-18's. Therefore, they will retain their throwweight and megatonnage advantage.

Other problems exist. For example, the United States ICBM force is, on average, almost three times older than the Soviet force. Also, while the Soviets already have both rail and transport mobile ICBM's, our plans are still on the drawing board.

It may be that expectations involving arms reductions are too high. Before venturing further, should we not address other, more important, matters first? To illustrate:

Should we not place more emphasis on operational arms control, such as confidence-building measures to reduce the risk of war?

Or negotiate a verifiable chemical weapons treaty?

What about eliminating the Soviet missile throw-weight advantage?

Or pursuing the all-important goal of conventional parity between NATO and the Warsaw Pact?

The White House, in its recently published National Security Strategy of the United States, has listed principles guiding the U.S. approach to arms control:

These include seeking agreements that will "enhance security while reducing the risks of war."

The United States also seeks to reduce nuclear forces drastically, so as to achieve equal levels of forces on both sides.

Another aim is to "include provisions to ensure effective verification and encourage compliance."

There is nothing wrong with our guiding principles. However, arms control is not supposed to be an end in itself. It is only one means of our national policy to achieve a secure peace and international stability.

Today, arms control seems to have taken on a life of its own. Instead of being a tool, arms control now appears to be the engine driving the foreign policy train.

We face grave risks to our national security. Yet we have a President in the waning months of his Presidency. We have a President rushing to reach another arms accord with the Soviets, before we have sorted out all the implications of his first such agreement.

Such haste can lead to careless omissions and imprecise treaty language. Such haste allows the Soviets to pick and choose when an agreement will be reached, its subject matter and its priority.

National security is too important to be held hostage to unrealistic time

schedules, established in the pursuit of a legacy.

When all is said and done, this much is clear.

START negotiations should not be so far along without first addressing other critical issues. But they are.

The INF Treaty should probably not have been negotiated, at least not so far out of sequence in arms control priorities. But it has been.

The INF Treaty is supposed to stand alone on its own merits. But it does not.

We have before us what seems to be a golden opportunity. The goals of increased stability and reduced risk of war are just and honorable—yet the azimuth we seem to be taking frankly concerns me. I would be much more comfortable if I knew that whoever is steering the ship understood the relationships among the various pieces of the arms control puzzle.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island has 4 minutes remaining.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, at this point the reading of the memorandum of understanding and the protocols will have to be continued if there is a single objection to dispensing with the further reading.

So I am prepared to ask that the further reading of the treaty—by the treaty I speak generically of the protocols and the memorandum of understanding—be dispensed with. I am prepared to ask that question. Mr. HELMS is on the floor, and up to this point the Senate has been able to go forward with statements, opening statements by his sufferance, if I may use that word, because one Senator can object to dispensing with the reading. And he has not seen fit to apply that rule in a hard and fast way up to this point. So I am prepared to ask that. But I want to yield to Mr. HELMS to see if he will object to that request.

Mr. HELMS. Mr. President, has the majority leader yielded the floor?

Mr. BYRD. I have not.

Mr. HELMS. Will the Senator yield?

Mr. BYRD. I would like to propound the request because I think we have to resolve this one way or another at some point—obviously, the sooner the better.

Why do I not just ask unanimous consent and the Senator may reserve?

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I ask unanimous consent that further reading of the treaty and all of its parts be dispensed with.

The PRESIDING OFFICER (Mr. ADAMS). Is there objection?

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from South Carolina reserves his right to object.

Mr. HELMS. Let me say to the distinguished majority leader that I personally do not intend nor desire to have the protocols and memorandum of understanding read. I think we ought to proceed. However, after discussing this matter with one or more Senators, let me suggest an alternative unanimous consent request.

I ask unanimous consent that further reading of the protocols and the memorandum of understanding be suspended, subject to the demand of any Senator under the rules that such reading be resumed. I do not think it will be. I shall do my best to make sure that it will not be. As some point, as we have discussed, I did understand that the majority leader would want to cut off the reading permanently. But at this time, I would be constrained to object to the UC proposed by the majority leader. I suggest my alternative.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I am willing to modify my request at this point to allow any Senator to ask for the continued reading of the treaty at any point during this day. But I cannot enter into this as a loose-ended and open-ended kind of request. To do so would allow us to get into tomorrow, into Friday, into Monday or Tuesday of next week and then subject to any Senator at a very critical moment objecting to further dispensing of the reading of the treaty, and there it falls.

So I will not agree to that. But I know that the Senator from North Carolina is ready to proceed with the point of order or some points of order or some strategy that he and others may have in mind. I am going to modify my request to dispense with the further reading of the treaty until 6 o'clock p.m. today, with all Senators rights reserved, with no waiving of any point of order. That gives the Senator and any other Senator the full rights as they stand right at this moment, and it also requires us to return to this at no later than 6 o'clock today; that at 6 o'clock today, unless in the midst of a rollcall, a quorum call, I be recognized again for the purpose of asking unanimous consent that the further reading be resumed.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Again, reserving the right to object, Mr. President, the distinguished majority leader has me at somewhat of a disadvantage because I do not want to object to his unanimous consent personally. But I feel

obliged to do so temporarily until there can be some consultation. Would the majority leader mind propounding that a little later with the understanding that I am not going to have the protocol read? I see no Senator on the floor who I believe will.

Mr. BYRD. I have not only the understanding but the assurance, based on what the distinguished Senator has said, that he will not insist on further reading but there are 98 other Senators, Senators other than our two selves.

This leaves the Senate under the gun, and I am unwilling to leave it under the gun beyond a certain point. I want us to work as best we can to accommodate all Senators, but there will come a point where we will read it and be here until midnight or 2 o'clock in the morning and get it out of the way.

I want to be cooperative with the Senator. He has been cooperative with me and with all of us. We have to dispense with it for a while, or the Senate and the Senator from North Carolina cannot proceed.

So I ask unanimous consent that the further reading of the treaty be dispensed with until—7 o'clock, 6 o'clock, 5 o'clock?

Mr. HELMS. Mr. President, reserving the right to object—if that is a request by the majority leader—I am in the same fix at 7 o'clock as I am at 6 o'clock.

I again assure the Senator that I think I can work it out. I am just asking for a little while to consult, with other Senators.

Mr. BYRD. Mr. President, the Senator has almost 4 hours in which to consult with other Senators.

I renew my request. I ask unanimous consent that further reading of the treaty be dispensed with, until the hour of 6 o'clock today, and no later than 6 o'clock today, and that at 6 o'clock today, if this matter has not been further resolved, I be recognized to make the request again.

At that point, I think we had better dispense with the reading of this treaty because it cannot be continued to hang over the Senate like Damocles' sword. I say this with all respect to the Senator from North Carolina, because he has been most cooperative with us all and allowed us to go ahead, without the burden of reading the treaty in its entirety.

So I make the request, and Senators will understand that if there is an objection, we will have to proceed with the reading of the treaty.

Mr. HELMS. Once again reserving the right to object, is the Senator saying he is just delaying this until 6 o'clock tonight?

Mr. BYRD. Yes.

Mr. HELMS. That is fine.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. I thank the distinguished Senator.

Mr. HELMS. I thank the distinguished majority leader.

Mr. President—

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, yesterday, not more than a few minutes after the INF Treaty was brought before the Senate, I heard the term used "dilatatory tactics." I do not know exactly how you could be dilatatory 3 minutes after a treaty has been called up. These are sort of code words, buzz words. But I want to address myself to what is a dilatatory tactic and what is not a dilatatory tactic.

Some remarks were made on the very first day—let me emphasize, the very first day—of the markup of this proposed treaty in the Committee on Foreign Relations. In the opening statements by Senators, there were references to dilatatory tactics. Let us examine this situation historically.

I point out to the Senate that the Panama Canal Treaties were before the Senate during a 70-day period, running from February 8, 1978, through April 18, 1978.

The issues presented by this proposed agreement that we have before us now are no less significant to the security and the interests of future generations of Americans than were the issues presented by the Panama Canal debate. So let us not get too carried away with our own positions.

The distinguished Senator from Alaska [Mr. STEVENS] remarked just a few days ago that a good one-half of the Senate had not yet had an opportunity to study this treaty and that study had been confined principally to the members of the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Intelligence.

I happen to believe that the Senate should recognize that a degree of formality in proceedings on treaties serves the practical purpose of insuring that the treaties, because of their peculiar nature as supreme law of the land under the Constitution, receive the careful scrutiny they require.

So I do hope, Mr. President, that we will not hear the term "dilatatory tactics" bandied around this Chamber when in effect what is occurring is not dilatatory but, instead and in fact, is deliberative.

In that regard, the rules of the Senate provide for the reading of treaties, and in time past, the rules required double consideration, as in the Committee of the Whole and in the Senate, in order to guarantee that Senators accord to the proceedings the careful attention that the framers of the Constitution intended.

So I do not believe it would hurt the Senate to listen for just a little while to the protocols of this treaty, because I dare say that no more than a handful have read this treaty, much less its protocols. But, for the moment, I am simply going to ask, as respectfully as

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I know how, that we refrain from making any further remarks about dilatory tactics and focus more on the deliberative actions.

Mr. President, I have a series of general parliamentary inquiries which I am going to ask the Chair to entertain. These inquiries, in several cases, are thoroughly similar to inquiries that the distinguished majority leader and the late Senator Jim Allen of Alabama propounded 10 years ago, at the beginning of the debate on the Panama Canal treaties; and that, of course, was in the early months of 1978. The inquiries will not be as numerous as those of 10 years ago, as since then, the Senate rules have been amended to eliminate the requirement for treaty consideration in the Senate sitting in the Committee of the Whole. Moreover, the requirement of article-by-article consideration, both in proceedings in Committee of the Whole and in the Senate itself, has been dispensed with. Nevertheless, I believe it would be helpful to the Senate to obtain, at the outset of this debate, the statements of the Chair with respect to certain procedural matters. I sat down last night and made a list of them.

First of all, Mr. President, when Senator Jim Allen, on February 8, 1978, asked if it was not in order, without unanimous consent, for a resolution of ratification to be proposed to a treaty until the procedure has taken place with respect to a treaty, the Chair—which was occupied at that time by the Vice President of the United States—responded that the matter would have to lie over 1 day before the resolution of ratification could be presented, unless otherwise ordered by unanimous consent.

Now I ask the Chair, is that still a correct statement of the rule?

The PRESIDING OFFICER. That is still a correct statement of the rule.

Mr. HELMS. I thank the Chair.

I recall that Senator Allen, 10 years ago, also inquired as to whether the preambles to the treaties as such are subject to amendment and the Chair responded that they were not. Is that still the case?

The PRESIDING OFFICER. That would still be the case.

Mr. HELMS. I thank the Chair.

In responding to another inquiry of Senator Allen, the Chair—and I looked this up—the Chair stated and I quote, "The treaty, including all of its articles, annexes thereto, protocols to it, et cetera, is before the Senate for consideration and therefore amendable." And the Chair continued to state "That even the minutes of a treaty would be before the Senate and would be amendable."

I assume that statement is still correct today, is it not?

The PRESIDING OFFICER. As to the documents submitted to the Senate, the inquiry of the Senator is correct.

Mr. HELMS. I thank the Chair.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HELMS. Certainly.

Mr. BYRD. What does the Chair mean by "documents submitted to the Senate"? Are you saying they are amendable? What do you mean by "documents submitted to the Senate"? Are we confining our remarks, and the opinion of the Chair in response to the parliamentary inquiry, are we confining those to the word "documents" to the treaty, its memorandum of understanding, protocols, and annexes, et cetera? And what do we mean by "minutes" in this context?

Mr. HELMS. There are no minutes to this treaty.

Mr. BYRD. I beg the Senator's pardon.

Mr. HELMS. There are no minutes to this treaty.

Mr. BYRD. I was wondering, I knew the Senator from North Carolina used the word "minute."

Mr. HELMS. My Southern accent.

Mr. BYRD. No.

Mr. HELMS. It is singular. You are correct.

Mr. BYRD. That word is familiar to me in connection with other treaties. I was wondering in the context of this treaty what was meant by it.

Mr. HELMS. Let the record show I intended it to be singular, "minute."

Mr. BYRD. It can be singular or plural depending on what is it.

May I say to the distinguished Senator I am not attempting to spar or debate with him. I just want to be sure I understood what the Chair meant when the Chair said "all documents."

The PRESIDING OFFICER. The Chair is trying to be certain because he also heard the reference to "minutes" and wanted to be certain of the reference to documents submitted. There is an agreed minute submitted. The Chair is not aware that "minutes" were submitted and therefore was simply trying to be very certain they were documents submitted to the Senate and that was the reason for the statement. That was the reply to the Senator from North Carolina.

Mr. BYRD. I think at this point it needs clarifying. When we say "submitted to the Senate," I understood the Chair to say that. I am not quarreling with the Chair. I am speaking most respectfully to the Chair. In talking about documents being submitted to the Senate, there will be many documents submitted to the Senate by the administration. But are we talking about the documents that have been submitted to the Senate in the context of the treaty that is on the calendar, only in that context, and the attendant protocols, memoranda of understanding, annexes, et cetera; et cetera, of that nature and not documents that have been sent up to a certain room here in the Hart Building which constitute all of the negotiations and the notes attendant thereto?

The PRESIDING OFFICER. The Chair's statement is limited to the doc-

uments stated by the majority leader in his inquiry, not to all documents, but the ones that were stated. If the two Senators wish to define that more precisely, the Chair is prepared to rule on that.

But the question was the minutes as opposed to the Chair's understanding that there is the treaty, the memorandum of understanding, the two protocols, an agreed minute, and a diplomatic note.

Mr. HELMS. Et cetera, et cetera, et cetera.

The PRESIDING OFFICER. If there are other documents, the Chair is not aware of them and is waiting for the Senators to correct the Chair's statement. I am prepared to rule if those are the only documents I know of.

Mr. BYRD. I ask the Chair if there are diplomatic notes along with those documents that may be amended?

I think we have to clarify this as to what can and what cannot be amended. The word "documents" as used by the Chair I think has to be clearly defined.

The PRESIDING OFFICER. The Chair has inquired of the Parliamentarian and will read the list of documents that is in the letter of transmittal.

Mr. BYRD. The document that may be amended I think is what the Senator from North Carolina is interested in and what I am interested in.

The PRESIDING OFFICER. The Chair will endeavor to reply precisely to that.

Mr. BYRD. All right.

The Chair is referring to the documents submitted January 25, 1988 the following documents which are integral parts thereof. The treaty includes the following documents, which are integral parts thereof, in addition to the treaty itself: the memorandum of understanding regarding the establishment of the data base, the protocol on elimination governing the elimination of missile systems, and the protocol on inspection regarding the conduct of inspections, with annex to that protocol on the privileges and immunities to be accorded inspectors and aircrew members.

Those are the documents that have been submitted in the documents referred to by the Chair.

These are the documents and the sole documents other than the Resolution of Ratification itself which may be subject to amendment by the Senate.

The PRESIDING OFFICER. That was the Chair's ruling.

Mr. BYRD. I thank the Chair, and I thank the Senator from North Carolina.

Mr. HELMS. I thank the distinguished majority leader.

I was just about to say before the majority leader quite appropriately asked me to yield, that it was he, Senator ROBERT C. BYRD, of West Virginia,

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who was born in North Carolina, who went on further at that point, according to my research, to nail down that even a single minute would be before the Senate for debate and amendment. So there should be no issue on that point. But nevertheless, I made the inquiry and I ask again just for the record if the Chair will state whether I have stated the situation correctly.

The PRESIDING OFFICER. The Chair has stated in response to the inquiry just now the documents before the Senate.

Mr. HELMS. Very well.

Now let me, Mr. President, list certain documents related to the treaty, in fact, described in "authoritative"—put that in quotes because that is a very important word—"authoritative" testimony by the State Department to the Committee on Foreign Relations as being integral parts of a treaty now before us. I ask the Chair to respond at the end of the identification of each such document whether the same is before this Senate for consideration and in each case whether the document is amendable.

First of all, a January 15, 1988, corrigendum.

The PRESIDING OFFICER. Will the Senator repeat that?

Mr. HELMS. The corrigendum of January 15, 1988.

The PRESIDING OFFICER. No.

Mr. HELMS. The Kampelman "VK"—and I am reading from the document itself—the Kampelman "VK" and/or Kampelman-Karpov note on futuristics, dated May 12, 1988. The answer to that is "no," too, is it not?

The PRESIDING OFFICER. That is not a document submitted with the treaty and that is not before the Senate.

Mr. HELMS. All right.

The Glitman-Chervov note on verification, dated May 12, 1988.

The PRESIDING OFFICER. The same would apply.

Mr. HELMS. Number 4 is the SS-4 photograph of front section, which is obviously not amendable but should be before the Senate and is not. I do not think you can amend a photograph, but I believe the photograph ought to be before the Senate in some fashion for consideration. That is the point I am making.

The PRESIDING OFFICER. That is not a document which is itself amendable.

Mr. HELMS. Let me ask en bloc about three other items. I will ask en bloc on these three because I believe these photographs should be before the Senate as similar items which were transmitted with the President's message.

The SS-12 photograph with front section, the SS-23 photograph with front section, and the SS-20 photograph with front section.

The PRESIDING OFFICER. Would the Senator expand his parliamentary inquiry as to the meaning of "before the Senate"? We have been respond-

ing and did respond to a parliamentary inquiry on documents that were before the Senate for amendment. The Senator is now inquiring about a series of documents or photographs that may be in Senate records. I want to be very certain that we know exactly what the Senator is inquiring about.

The photograph, the Chair has already responded, would not be amendable as a photograph.

Mr. HELMS. Obviously, it would not.

The PRESIDING OFFICER. Yes.

Now, the Senator has inquired about three further photographs; is that correct?

Mr. HELMS. Well, I presume the answer on the SS-12, SS-23, and SS-20 would be the same as the SS-4; is that correct?

The PRESIDING OFFICER. If they are all in a similar posture, which the Chair understands, the response to your inquiry would be the same.

Mr. HELMS. I believe I am going to ask the Chair to repeat that. I am not sure I understand what he said.

The PRESIDING OFFICER. The Senator inquired about a photograph and the Chair responded. He is now inquiring about three additional ones and the Chair is responding that if those are the same type of item, the response of the Chair would be the same.

Mr. HELMS. Very well. I thank the Chair, and I thank the Chair for his patience.

Then there is the Dobrynin note of May 8, 1988, which is secret. There is no constitutional nor Senate prohibition on secret treaties or secret codicils. In fact, it is my understanding—and the majority leader might correct me if I am wrong—but I do think the Founding Fathers contemplated that most treaties would be under the injunction of secrecy.

But I will inquire as to whether that note of May 8, 1988 is amendable.

The PRESIDING OFFICER. The note of May 8 has not been submitted in the fashion the Chair previously replied to the inquiry and, therefore, would not be amendable.

Mr. HELMS. Mr. President, There was a Glitman letter to Mr. Chervov on FRG Pershing IA's dated May 12, 1988, identified as secret. Am I to understand that that is not before the Senate, either?

The PRESIDING OFFICER. The Chair has no notice that that is part of the record. It is not among the documents submitted as previously referred to by the Chair.

Mr. HELMS. We will revisit that in a little bit.

Mr. President, let me now list certain documents related to the treaty, in fact, described in "authoritative"—and I do that precisely because "authoritative" has a great meaning in connection with treaties these days.

This was "authoritative" testimony by the State Department before the Committee on Foreign Relations as

being integral parts of the treaty. I am going to ask the Chair to respond at the end of the identification of each such document whether the same is in fact before the Senate for consideration and in each case whether the document is amendable. There are six of them.

One, the treaty before the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The PRESIDING OFFICER. That is before the Senate and that is amendable.

Mr. HELMS. The second is a memorandum of understanding regarding the establishment of the data base for the treaty between the Union of Soviet Socialist Republics and the United States of America on the elimination of their intermediate-range and shorter-range missiles.

The PRESIDING OFFICER. That is before the Senate and amendable.

Mr. HELMS. I thank the Chair.

Third, a protocol on procedures governing the elimination of the missiles systems subject to the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The PRESIDING OFFICER. That is before the Senate and amendable.

Mr. HELMS. Fourth, is the protocol regarding inspections relating to the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The PRESIDING OFFICER. That is before the Senate and amendable.

Mr. HELMS. I thank the Chair.

The fifth is the annex provisions on privileges and immunities of inspectors and air crew members. That is before the Senate?

The PRESIDING OFFICER. That is before the Senate and amendable.

Mr. HELMS. And the sixth and final one, agreement among the United States of America and the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Italy, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland regarding inspections relating to the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles.

The PRESIDING OFFICER. That has been submitted for information only. It is not before the Senate for amendment.

Mr. HELMS. Very well, Mr. President. Let me put the question to the Chair.

The message of the President transmitted a series of documents signed on behalf of the United States and signed purportedly on behalf of the Soviet Union. He also transmitted a docu-

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ment signed on behalf of the United States and also signed on behalf of Italy, Belgium, Great Britain and the Federal Republic of Germany and the Netherlands.

Would it be possible under the Constitution and the Senate procedure for one resolution of ratification to consent simultaneously to a bilateral agreement and a multilateral agreement where the multilateral agreement is not an agreement with the party to the bilateral agreement?

Would not two resolutions of ratification be required since they are two distinct agreements involving different contracting States and since two instruments of ratification would be required?

The PRESIDING OFFICER. The agreement referred to between the United States, United Kingdom, Belgium, and the other countries referred to by the Senator is not before the Senate for ratification at this point. Therefore, the ratification is on the agreement signed between the United States and the U.S.S.R.

Mr. HELMS. Very well. I thank the Chair.

By the way, Mr. President, I do not know what the pollen count is today but some of us have gotten a heavy volume of it so if I am ever more indistinct than usual, let me know.

The PRESIDING OFFICER. The Chair will inquire.

Mr. HELMS. I understand, Mr. President, that the President transmitted the multilateral document for information only. But it is fair to say, is it not, that the Senate has possession of this authenticated document; is that correct?

The PRESIDING OFFICER. The Chair will endeavor to determine whether that document is in the possession of the Senate. The Chair cannot answer the inquiry at this moment.

Mr. HELMS. Fair enough.

The PRESIDING OFFICER. It will, as soon as possible.

Mr. HELMS. In other words, Mr. President, and while the Chair and Parliamentarian are thinking about that, let me ask if this is not analogous to the Senate transmitting an enrolled act of Congress to the President but telling him that he could neither sign nor veto it because the act is being provided for information only?

I know of course that is a hypothetical question. I will withdraw it.

The PRESIDING OFFICER. The Chair will not respond.

Mr. HELMS. The point is, Mr. President, that the Senate has possession of this authenticated document and has the constitutional power to take action with respect to it, regardless of what the cover letter says.

Now, that is correct, is it not? Assuming it does have possession, and I think you will find it does.

The PRESIDING OFFICER. The Chair will not rule on whether or not—on the Senator's assumption. The

Chair will endeavor to determine whether such possession exists and then will try to respond but the Chair cannot respond to a hypothetical question at this point.

Mr. HELMS. Well, we could revisit this later.

The PRESIDING OFFICER. The Chair has responded that the treaty between the United States and the U.S.S.R. is before the Senate and has endeavored to respond to parliamentary inquiries with regard to that.

The second treaty—or the second document referred to by the Senator, we will endeavor to determine its possession and then answer all questions to the best of the Chair's ability.

Mr. HELMS. Fair enough. We can revisit it. Perhaps later we can ask the Chair to entertain debate on the issue. Or I could raise a point of order or whatever.

As I mentioned earlier, the Department of State has authoritatively—and I put the emphasis on the word "authoritatively" because it has a special meaning around this place—the Department of State has authoritatively testified that the documents I previously listed with the Chair and which the Chair ruled were not before the Senate are still, according to the Department of State, integral parts of the treaty. So it was not a frivolous exercise that I pursued. Because the Department of State is saying these documents are integral parts of the treaty and I am obliged to ask, with that background in mind. The Chair may want to defer responding to this.

If an amendment were adopted to one of the documents that is before the Senate, a document that is amendable; and if that amendment were to be inconsistent with a provision of one of the documents, such as I stipulated, not before the Senate but which is, according to the U.S. State Department a part of the treaty, what would govern the subsequent obligations of the United States, the inconsistent amendment or the extraneous document?

I think it is an important question.

The PRESIDING OFFICER. The Senator is addressing a legal inquiry to the Chair and the Chair does not have authority to rule on legal implications of the Senator's inquiry.

Mr. HELMS. I understand.

But I wanted to make it a part of the Record because this is one of the questions that has been raised and should be raised.

I think that perhaps, Mr. President, with all due respect, somewhere, as quickly as possible, the Senate ought to resolve this little bit of impasse. It is more important than just a little bit of rhetoric and there is no point in offering amendments to the treaty documents before the Senate if those amendments are going to be overruled by the documents which the State Department contends are a parts of the treaty, but which have not been submitted to the Senate. And the Chair

has just ruled that they are not before the Senate.

So, it is a very real question that we ought to consider. It seems to this Senator that at the very least the Senate, by amendment—and it can be done simply—should incorporate all extraneous documents selected, perhaps as original text, for the purpose of further amendments. This will assure that the whole treaty is before us and not just the incomplete material sent over by the President, material I might add, which has subsequently been changed.

At the appropriate time perhaps the Senate leadership or one of the rest of us ought to consider offering these documents and materials as amendments. Otherwise the Senate will be working from an incorrect, incomplete text; known to be incomplete.

Well, Mr. President, is it not true that amendments offered in these proceedings will, themselves, be amendable in like manner as amendments to bills in a legislative session?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

The materials before the Senate are amendable in two degrees?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Thank you.

In the absence of cloture, must amendments to articles be germane to the article to which offered?

The PRESIDING OFFICER. In the absence of cloture, there is no germaneness requirement.

Mr. HELMS. How about amendments to protocols or annexes or memoranda, notes? I want to be careful about that word "minutes." Must those amendments, in the absence of cloture, be germane?

The PRESIDING OFFICER. No.

Mr. HELMS. Most of the documents before the Senate are declared equally authentic in both the English and the Russian languages. Is it true that only the English text is before the Senate for consideration? And, if so, is it true that the only procedural way for the Senate to reach discrepancies in the Russian language text is to reference, expressly, the substance of the discrepancy, if any, and to eliminate it by specific amendment in the English language text? And this is a problem which may come up.

The PRESIDING OFFICER. The Chair will state that only the English text is before the Senate. The Chair cannot state a response to the inquiry as to the appropriate method the Senator wishes to proceed with to reconcile any supposed differences between the English and the Russian text.

Mr. HELMS. We can revisit that depending on what we find.

I think we better ensure, as best we can, that any ambiguous or imprecise Russian terms or clauses or phrases as may be brought to our attention by competent translation are completely

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resolved by a distinct English language amendment. Otherwise—and I hope the Chair will agree with this observation—we can expect to have loopholes of the type the Russians have so often driven tanks through.

I know the Chair is hoping I will be through with this shortly, and I will.

I have, at present, just one final inquiry along this line.

Is it correct that, if ratified, the Russian language text will be the supreme law of the United States?

The PRESIDING OFFICER. The English text is the text that is used in the United States. The Chair will not attempt to resolve the legal issue of the effect of the Russian text on the English text in the event there is litigation.

Mr. HELMS. May I say that I do not blame the Chair. That is a legal issue, and I hope it never comes up in court.

Mr. President, I have a series of parliamentary inquiries along another line that I would like to propound at this time. And understand, please, that I am just making the record.

The first is, Mr. President: Is Calendar No. 9, Document No. 100-11, present before the Senate?

The PRESIDING OFFICER. Yes, it is.

Mr. HELMS. I thank the Chair.

Does the document contain material signed in ink at four points by the President of the United States?

The PRESIDING OFFICER. The Chair will have to send for the document and have it examined at the desk.

Mr. HELMS. I would appreciate the Chair doing so, but it need not do it right now. Let us leave that open, if we may.

The PRESIDING OFFICER. It will be left open until the document is here.

Mr. HELMS. I thank the Chair.

While we are checking the original document, I ask the Chair if the materials are also signed in ink at four points by a person identified in the document as the General Secretary of the Central Committee of the Communist Party of the Soviet Union?

The PRESIDING OFFICER. The documents will be sent for and will be subject to examination by the Senate.

Mr. HELMS. While we are checking the documents, does there appear anywhere in Document No. 100-11 any form of authorization or accreditation from the Soviet state granting plenipotentiary powers to bind the Soviet Union to the person who signed as General Secretary of the Central Committee of the Communist Party of the Soviet Union?

The PRESIDING OFFICER. The document will be examined.

Mr. HELMS. Mr. President, may I inquire how long it will take to get the document for the Chair to examine it.

The PRESIDING OFFICER. It should be en route to the Chamber at this time.

Mr. HELMS. Fine. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. SYMMS. Mr. President, might I inquire, what is the parliamentary situation? Is the time controlled?

The PRESIDING OFFICER. There is no control.

Mr. SYMMS. I thank the distinguished Chair.

Mr. President, I ask unanimous consent that my remarks do not interfere with the remarks of Senator HELMS, who is involved in a parliamentary inquiry.

I ask the distinguished chairman and distinguished Senator from Indiana, is this an appropriate time to address the Senate on the treaty itself? I started last night, and we were under time constraints, and I was not able to complete my remarks. I ask the Senator if this is the appropriate time?

The PRESIDING OFFICER. Does the Senator from Indiana wish to reply?

Mr. LUGAR. From our standpoint, it will be perfectly appropriate for the distinguished Senator to proceed. The Senator may know the parliamentary situation is one in which the distinguished Senator from North Carolina has raised a question to the Chair and the Chair has sent for documents.

Perhaps the Senator from North Carolina will wish to pursue his line of inquiry once the documents have come back, but the distinguished Senator from Idaho, as far as we are concerned, ought to proceed until that happens and then cooperate, if possible, with the distinguished Senator from North Carolina.

Mr. SYMMS. I thank the distinguished Senator from Indiana.

Mr. President, what I wish to do is proceed from where I was yesterday. I ask unanimous consent to correct my remarks in the RECORD as though stated, and I will try to summarize what my remarks were on yesterday, insofar as not to be redundant with my colleagues and say it all.

I wanted to preface my remarks—and I say this with the distinguished chairman here, my distinguished friend from Indiana—by saying it is not my intention to delay in any way the deliberations of the Senate on this important issue. However, I do not really believe that history will be any less served if the President does not take the treaty with him when he meets the Communist Party general secretary in Moscow. I do firmly believe that my colleagues should, as Paul Harvey often says, here the rest of the story before we move too rapidly to the ratification of this treaty.

I think it is important also—and I said this yesterday, but just to summarize my comments—that we remember the point that Ronald Reagan and the conservatives in this Nation and in Europe kept the faith with the old adage that negotiations must be conducted from a position of strength. That is how they got the Soviets to the bargaining table in the first place.

Mr. President, the way I arrive at my conclusions on foreign policy matters is based on a very simple premise. No. 1 is you support your friends and you oppose your enemies; you do not do things to make it easier for your adversaries when dealing in foreign policy. I think rule No. 2 is you should remember rule No. 1. President Reagan was the master, in fact, of supporting his friends and opposing his adversaries in politics, and during the time of his presidency, when he stayed that course and talked about the evil empire, which it is, talked about the problems of a free society in dealing with an authoritarian dictatorship that has no respect for human rights and believes it is OK to lie, to cheat, to steal, to camouflage, conceal, do whatever is necessary in order to see the furtherance of the Marxist-Leninist revolution toward their aim of world domination, as long as he stayed on that track the United States was increasing its credibility. We were increasing our strength worldwide. We were gaining more and more respect.

I think, Mr. President, that we were certainly, in this Senator's view, making some headway toward a more safe, peaceful world.

Now that the treaty has been signed, in a very short period of time last December, in a period of a week or so we saw the Evil Empire be transformed into "the U.S. partner in peace." We saw the dictator, the Secretary General of the Soviet Union, become the man of the year for Time magazine. We saw this euphoric condition in this country, with people wishing everything will be OK and all our problems will go away.

The distinguished occupant of the chair, a very valued member of the Armed Services Committee, is very well aware of what we are up against in this world, and he recognizes, as does this Senator, the threat still is there. Of course, Senators can come down with different opinions on how they view this treaty, but I want to go back to that basic belief I have that when you are dealing with a country such as the Soviet Union, which has a record of not staying with their treaty alliances, with breaking all their treaty alliances when it is convenient for them, there is reason for us to fully ventilate these issues and discuss what some of the shortfalls of this treaty are.

One of the things President Reagan always talked about in his days prior to being President and after he became President was that we were

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never ever going to negotiate treaties under some kind of a time constraint because of political reasons. Now, I venture to say that there is great pressure on Senators in this Chamber and in the Senate in general to get this treaty ratified prior to the President taking the trip to Moscow so that he will have it with him. I must just add to that that on the eve of him going on this trip, I am certain if it is not voted either up or down by that time there will be a great furor raised in the news media in this country partly because the President and the administration have made the issue that somehow we have not done our duty if we do not have it completed prior to the time he takes the trip.

I am sure others will say it is most unfortunate that we have had a flurry of kiss-and-tell books published on the eve of the President's trip to the Soviet Union, and it is somewhat embarrassing to a President when going to deal with the head of the strongest Communist country in the world militarily, the strongest authoritarian nation militarily, that provides the biggest threat to the United States militarily that we have ever faced in our history.

I wonder what "Gorby," as people refer to him, would do if one of his close aides wrote a book that had rather uncomplimentary things in it about the Secretary General. Would they get the gulag, would they get the firing squad, or would they get none of the above and get lucky and be sent to Siberia to the salt mines in their remaining years?

I think we should remember that we have in this country what many people in the world are envious of, and history tells us that the way to protect and preserve peace and freedom is to be strong militarily, to be strong economically and, above all, to have a strong political will to stand up for peace and freedom so that we do not ever run the risk of being blackmailed by those who would like to have what we have.

Now, Mr. President, as I said yesterday, I started this effort, when the President signed the treaty, with an open mind, that I would try my best to go to those hearings in the Armed Services Committee, listen to what people had to say, both pro and con, to try to come up with a fair judgment. I have read and considered enumerable articles and reports concerning the treaty and what the effects will be. First and foremost, I wanted to be convinced that the INF Treaty enhanced our national security and was in the best interests of this Nation. I wanted to be convinced that we had reached a point in our relationship with the Soviet Union where we had achieved a mutual understanding based on our openness and candor, a point where the balance of terror was no longer considered a meaningful phrase.

I wanted to be convinced that the loss of more than \$6.5 billion which

the American taxpayers spent on the intermediate nuclear forces was equal to the gain in security represented by the treaty.

Finally I wanted to be convinced that as a result of the treaty our allies' future, our future, and indeed the future of the world as a whole, would be brighter and more secure. Unfortunately, Mr. President, I have not been convinced.

All that I have seen and heard from the proponents of the treaty can best perhaps be summed up in the following manner.

First of all, it will support our overall strategy by reducing risks. That is what the advocates say. Second, it will strengthen our alliances. Third, it will decrease the Soviet military advantage. Finally, it will do all of this in a manner which provides the assurances of verification.

All of us I think would agree that the reduction of risk is an important goal, a goal worthy of our best efforts. However, I have a very difficult time with the treaty that purports to reduce the risk but lowers the point where nuclear exchange is likely to take place. And it also fails to address the overwhelming Soviet conventional superiority in Europe.

I will not go back through those numbers. I did yesterday.

Mr. SYMMS. But we all know the overwhelming tactical nonnuclear superiority in tanks, field artillery, fighters, et cetera.

That combination in that context will itself increase the potential for a disastrous strategic nuclear exchange with the U.S.S.R. in my opinion.

To say that is a reduction of the risk in my opinion is a grievous miscalculation. Why are we willing to accept a situation which allows our adversaries to retain their capability to engage theater nuclear targets with their SS-24s and SS-25's mobile missile forces, while we surrender our only ground-based nuclear capability?

Many of my colleagues would cite our strategic missile force or dual capable aircraft or even our sea-launched cruise missiles as a way to offset our INF losses. But they do not acknowledge the inherent vulnerabilities of each of those systems which in my mind creates serious questions regarding usefulness in the INF role.

What I am saying is are we not really being less candid when we suggest the use of strategic weapons to counter a Warsaw Pact attack against NATO without admitting the tremendous risk of a follow-on strategic nuclear exchange?

I do not believe that the quality of the deterrent is near as much as attacking an armada of tanks through the plains of Central Europe coming from a continental United States launching site as it would be coming from West German soil itself, if it is Germany that is being attacked, and it would be a response from Germany itself to put on the vanguard of a tank

column or in the midst of a column. That provides a massive deterrent to avoid ever having that event happen. That is what our goals are for military spending and a defense strategy in the first place, to keep the peace.

Are we not actually overstating the case to suggest the use of dual capable aircraft to redress the INF problem? And I say that because after all if you are going to have the dual capable aircraft which is an F-16 as everyone knows is capable of, if you are going to use it in a tactical sense, you are going to have to be prepared to sustain losses. If you sustain too many losses, you will have to start withholding aircraft so that you will be able to have some for the dual capable response.

So if you start withholding the tactical assets of your commander in the field and he is forced to withhold some of his tactical assets that are dual capable, it will hasten the time when he will be calling and saying, "I need to use nuclear weapons to stop this assault on the Warsaw Pact."

So I just believe that those aircraft—if they are withholding from an initial land battle in order to conduct a nuclear strike, we have complicated both our ability to deal with that land battle as well as our need to achieve and maintain air superiority and consequently increase the possibility of an early tactical nuclear exchange.

So where then is the reduction in risk? I for one cannot find it. I had the same experience as some of my colleagues during the break at the first of the year. I visited Western Europe, and talked with our military leaders. I did not get the same answers as some of my colleagues did. One of the generals I talked to said we are going to—I said, "What are the pluses? What do you get out of it? What is the thinking?" He said, "Well, we will have more room to maneuver by removing the SS-20's."

I said, "Do you think for a minute that those military targets that are targeted by SS-20's are not going to be targeted by SS-24's and SS-25's?" He said, "Yes. Most likely they will."

I said, "Then what is the increase of your maneuverability?" Then they come back and say, "Well, this will work. We can live with INF, but in order to live with INF, Senator, what we have to have is additional money to replace what the Pershing missile can do today, and what the cruise missile can do today."

So, in other words, we are going to take \$7 billion worth of expenditures for money plus a lot of political capital that was used up to put those in Europe and then remove them. How does that apply to the adage of foreign policy to support your friends and oppose your enemies?

The way I see it is we are making it easier for our adversaries, the Soviets. We have emboldened the left-wing political parties in Western Europe, and we have undercut the conservatives in

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Western Europe who use their political capital along with conservatives in this country to get the cruise and Pershing missiles put into Europe in the first place to keep the peace in Europe, and to preserve the freedom in Europe.

I will have to say it was conservatives both in Europe and in the United States that used political capital to get it done. It was not the liberals in this country that were in favor of that in the first place. They are all for the treaty because they worked in favor of putting them over there in the first place. But in my judgment, I just simply cannot find how it is reducing the risk. The risk is still there.

We are in a weakened position. We will be called upon to use other assets. We will be called upon to build more Strike Eagles, a wonderful airplane built in the United States, an F-15 Strike Eagle. It has tremendous capabilities. It probably can deliver weapons on target where a cruise missile or a Pershing II would have before. But it is a very costly piece of equipment. And it is also a dual capable airplane.

Are you going to risk it, if you think you will need it for a nuclear role, on the battlefield where we might lose one at \$40 million a crack?

So I think it simply is not the case. With regard to the premise that the treaty will serve to strengthen our alliances, I think it is very disturbing to note that many Europeans view the treaty as an unwelcome return to the insecurity of the seventies when the only response available to NATO in the event of a massive Soviet invasion of Western Europe was the United States strategic nuclear attack on the Soviet homeland; an all or nothing response which most Europeans felt was a sham. That is why we have the flexible response in NATO on the ground in Europe. That is why it is there. In the current case, the situation is even worse due to the tremendous increases in the quality and quantity of Soviet forces targeted against Western Europe.

I would ask my colleagues who intend to vote for this treaty: How many of them are willing to vote to spend more money to replace the 7 billion dollars' worth of equipment that we have already paid for? We may have had to borrow the money. As my distinguished friend knows, and is aware of what is going on with our budgets, we probably had to borrow the money, we are paying interest on the equipment that is over there now that we are going to dismantle so we can replace it with something else to still preserve the flexible response for NATO.

In my view, this treaty not only dislocates the strategy of flexible response which has served NATO very well, but it fails to address the massive Soviet land force advantage in Central Europe. And in my view the only thing the treaty accomplishes in this area is the magnification of the Soviet

Union's threat to Western Europe while simultaneously diminishing NATO's ability to deter that threat.

Already the voices in Western Europe can be heard hailing the treaty as the first step in the drive toward a European nuclear free zone.

Political pressure has started to build in Germany to slow down, to re-evaluate, and possibly do away with the Montebello modernization program.

There again, Mr. President, Genscher, Shevardnadze, Hornecker, and others have already met and begun discussing eliminating all remaining nuclear weapons in both East and West Germany.

Whom did we strengthen? Did we strengthen the political forces of the Prime Minister of West Germany? No, we strengthened the left wing parties, the Green Peace activists and the others. We strengthened the political capital of Mr. Gorbachev and his Communist cronies, who are going to start on this bandwagon.

I think this does not come as a shock to the distinguished Senator from North Carolina or the distinguished occupant of the Chair, but most of the Western media will go along with this sham that we are going to be able to keep the peace in Europe, that these nuclear weapons are dangerous and should not be there.

We have not had a war in Europe for over 40 years. Twice in the lifetime of many Members of this body, American troops have been sent to Europe to free people from enslavement, to help keep Europe a free partner of the United States in the free nations.

We have a commitment of troops there now. Are we going to remove the umbrella that protects those 300,000 troops?

It may be that what we should start considering, if this treaty is going to be ratified, is that instead of closing bases in this country, we should start bringing the troops home, to get them out of a nuclear fire zone.

What we have done with respect to the intermediate range missiles is to give us a choice to respond with something from the Continental United States, something from offshore, or use closein artillery ranges. How long will the Germans like the idea of having short-range artillery weapons used if the weapons go off on German soil? I do not think they will like that proposal.

As Mr. Benoist and other prominent Europeans have recently concluded:

Far from enhancing Western security, we believe the INF Agreement would shift the military balance in favor of the Warsaw Pact and assist the Soviet Union in seeking to induce political changes in the West favorable to its interests. At the same time, the proposed accord would diminish any incentive for the Soviet Union to make fundamental changes in its domestic and foreign policies. We are also fearful that it would weaken the credibility of the U.S. nuclear guarantee to Europe, sow discord within the alliance, and seriously erode the reputation

and influence of the United States upon which free societies remain critically dependent.

An alliance, a standing together—that is what has made NATO what it is; standing together firmly, so that the Soviet Union and the Warsaw Pact know that if they ever make the mistake to attack, it is all for one and one for all; that we are not going to be divided; that we are not going to hang separately, that we are going to go together. That is what has kept the peace.

In my opinion, this treaty does nothing to keep that alliance strong. The NATO alliance has probably been stronger in the last 5 years than at any time since its inception.

In my view, we are starting down the slippery slope, and this is the first step.

Let us turn to the proposition that the treaty decreases the Soviets' military advantage. Over the course of the last 40 years, we have successfully deterred the Soviets from attempting a military conquest of Western Europe. That deterrence was the direct result of the Soviet's perception of our strength and our willingness to use that strength on behalf of our NATO allies. Our willingness to develop an INF force and deploy it forward in Europe and our allies willingness to base those weapons on their soil only served to further strengthen NATO, while reinforcing the credibility of our deterrent. With the adoption of the INF Treaty our "equalizer" is gone.

Remember that General Rogers, one of this Nation's most distinguished soldiers, cautioned in his testimony before the Armed Services Committee:

Keep in mind that for NATO's deterrent to be credible, it must conjure up in the Soviet mind a perception of greater pain than gain from Pact aggression.

Then General Rogers went on to state:

What the Soviets are eliminating comprises only about 3 percent of their stockpile of nuclear warheads. Nearly all of the remaining 97 percent can be targeted against installations in NATO's rear areas, thereby keeping the risk high and on the backs of the West European people. And what does NATO give up? The very weapon system the Soviets fear most—the Pershing II—which puts the Soviet homeland and people in a similar posture of vulnerability and keeps high the credibility of NATO's deterrent.

Where, then, is the decrease in the Soviets' military advantage, Mr. President? Where is the decrease? I cannot find where it is, where the advantage is for us and disadvantage for them.

Overlaying all these issues is the real centerpiece—the verification clause.

Excuse me, Mr. President. I think I misspoke. I did not mean to say "verification." What I meant to say was the trust clause, for that is what it means. It is the trust clause. Do you, in fact, trust the Soviet Union to not cheat on this treaty, as they have on every other treaty they have engaged in?

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I was concerned with what verification meant, so I went to what I considered to be the most authoritative source available, Webster's Third New International Dictionary. Webster's Dictionary defines the word "verification" as follows: "The act or process of verifying or the state of being verified; the authentication of truth or accuracy by such means as facts, statements, citations, measurements, or attendant circumstances."

Using that definition as a basis, I reviewed the report of the Select Committee on Intelligence entitled "Monitoring and Verification Capabilities," where I found the following admission:

With respect to assessing the accuracy of the numbers and locations of forces and systems declared by the Soviets in the treaty's memorandum of understanding, the intelligence community has not resolved significant differences of view over the possibility that the Soviets may not have disclosed their entire inventory of nondeployed SS-20 missiles * * * their potential military significance would (however) be short-lived. This is because the operational reliability and military utility of any covertly maintained missiles would begin to deteriorate immediately; would seriously degrade during the first three years, when all missiles are being eliminated; and would vanish entirely within a decade, unless the Soviets can begin flight testing them. This would be both illegal and readily detectable.

Mr. President, I find that statement absolutely amazing. I find that statement incredible. Not only does it admit that we do not know how many SS-20 missiles the Soviets have, and it implies that the Soviets may be deliberately misleading us, but it goes on to understate the seriousness of that threat while justifying a decade of our own vulnerability.

That is why this clause should be entitled the trust clause, not the verification clause. We are being asked to trust the Soviet Union because we cannot verify the treaty, in my opinion—trust the same nation that has violated every arms control agreement and treaty that it has ever signed, trust a nation that invaded Afghanistan, trust a nation that still subjugates Eastern Europe, trust the nation that was responsible for the shooting and killing of Maj. Arthur Nicholson, trust a nation that was responsible for the shoot-down of an innocent airliner full of innocent people, including a distinguished Member of the U.S. Congress, shot them down and murdered them in cold blood. This is the same nation we are being asked to trust.

If that is verification I for one simply cannot find it and if it is a basis for trust I have a hard time finding that either, if we can estimate what the Soviet Union will do in the future from what they have done in the past.

Given the fallacies and the serious shortcomings of this treaty, why is there such a burning desire to place this Nation at risk? Why is it that there is such a willingness to look past all the reality of the Soviet behavior and actions in the world and instead

focus on the methodology of perestroika and the persona of Mr. Gorbachev. I do not have those answers. I only have a hope, and my hope is that my colleagues will not succumb to the theory that it is a rotten treaty but it is the only one we have and if you do not ratify it, somehow things will be worse than better.

The mentality to that reverse logic which decries that despite all the risks in the face of solid evidence to the contrary, too much political capital has been invested for NATO to stand together if the Senate voted no.

I would like to ask my colleagues who are in the body now where they were when a lot of political capital had been used in Western Europe to deploy the high-radiation warhead in the seventies and the then President of the United States, President Carter, canceled the program? There was a great hullabaloo in Europe that we are going to ruin NATO; they will not stand together.

NATO will stand together because they have a like cause, that is, the NATO countries like being free and they do not want to live in a country like Mr. Gorbachev, who is the Secretary General, where if you try to leave the country and you do not have a passport, which is hard to get, and the permission to leave, which is hard to get, they shoot you at the border. When you leave, that is what they do.

The definition of a free country is you can sell all your assets, convert it all into a fungible, money, U.S. dollars, French francs, Swiss francs, gold, silver, whatever you want and take it with you and leave. That is the way it is in the United States of America. That is the definition of a free country.

The Communist country is what do you do if you try to leave and they do not want you to leave. They have barbed wire fences, claymore mines, all the nice things. While you are trying to get out, they shoot you, and they check the border all the time.

So, I just think that is why NATO exists. It is because they do not want to be put in the gulag. They do not want to have to live in that condition.

They could get through this, the shake-up of having this treaty, in my judgment, turned down much better than they are going to get through being in a weaker military posture where we embolden all the left-wing politicians in Europe, embolden all those people who would rather not stand up to be free, would rather succumb to it, and that is so in my judgment. That logic that we have to ratify this treaty because the repercussions will be worse if we do not ratify it just does not hold any water.

My hope is that my colleagues will vote to address the realities and not what it is that they wish. The treaty ratification should not be based on public relations skill, naive expectations or unrealistic assumptions. It is never too late, it is never too late, Mr.

President, to walk away from a bad deal. Never is it too late. And we have not done it yet and, therefore, I would hope that many of my colleagues would join with the distinguished Senator from North Carolina and this Senator and others in voting against this treaty.

I see the Senator from North Carolina. I was in the other body when the Panama Canal treaties were debated. It is very interesting with all the problems we have in Panama today how many people if you go back home to your hometown—I do not care whether it is in North Carolina or Rhode Island or New York or Washington State or wherever it is you bring up the subject of the Panama Canal you will find out that the guy who is working for wages and paying the bill and pulling the wagon in America, paying those taxes out there to support a strong, free country, is very frustrated by why did the Senate give away and go along with the Panama Canal Treaty. The same argument was made. The argument was made then, if I remember correctly from watching and listening and reading the debates, if you do not ratify this treaty now that we put all our prestige on the line we will have all these problems in Central America and going to get the Communists coming in and have everything. That is what the liberals said—we have to ratify the treaty because the end result will be worse.

You would have thought from the arguments that they made against the treaty that they did not ratify the treaty because everything seems to be going to hell in a hand basket. We have a two-bit drug-dealing dictator in charge of Panama. The strongest superpower in the world, the most free nation on Earth, the most powerful nation on Earth does not seem to have the guts and gumption to remove him from office. We have the problems there. We have known evidence of Communists moving into Panama.

It is my understanding that the Ortega brothers are avowed Marxist-Leninists in Nicaragua. This Congress does not seem to recognize the difference, and I say that in a generality—I know there are many of my colleagues who recognize the difference—but I said it many times at home that this gutless, no-good 100th Congress does not know the difference between the Ortega brothers and the Osmond brothers. And here we go again.

Now we are going to say we have to ratify this treaty; if we do not ratify this treaty everything is going to hell in a hand basket in Western Europe, the NATO alliance will break up. Hogwash.

This treaty will lead to the dissolution of the NATO alliance. This treaty emboldens, this treaty helps our adversaries and hurts our friends. That is what this treaty does.

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I think there is a lot more that needs to be said about this treaty before we go on and ratify it.

I note the presence of the distinguished Senator from North Carolina. I wish to praise him in front of my colleagues for the valiant job that he has done along with Senator PRESSLER on that Foreign Relations Committee.

I want to say this, that Americans all over this country know what Senator HELMS is doing and they knew what he was doing when he was opposing the Panama Canal giveaway, the United States canal giveaway in Panama.

It is interesting to look around this Chamber and see how many people are not here that were here before.

I caution my colleagues that about the time that we remove the Pershing II's and remove the cruise missiles from Western Europe, the Soviet Union will break out of the ABM Treaty, which they have been violating. It is very obvious to the most naive layman that they are working toward breaking out of the ABM Treaty. They will announce to the world that they have deployed a ballistic missile system and all of a sudden we will discover there are hundreds of SS-20 missiles that have been covertly hidden in Western Europe and the crews have been training on SS-25's, which is the same procedure to fire them, and they will roll them back out into Western Europe and start threatening Western Europe. We will not have our deterrent forces in place. People are going to say, "What is the matter with you people in Congress? You give away 7 billion dollars' worth of equipment. What is it Senator HELMS says, \$470 million a day cost to keep our troops in Europe. You removed the safety umbrella for American GI's in Western Europe. You left our troops vulnerable." This Congress will not pass fast enough to have in the hands of our troops, to get deterrent chemical warfare weapons. They have 700 pounds or tons of chemical weapons to zero we have there. All we have is the hope somebody can get on a gas mask if they start firing chemical weapons.

What are we doing, Mr. President? What is it that makes people think this is going to save money.

This treaty will cost the taxpayers money and the risk for peace and freedom increases. It brings us closer to being forced to use strategic nuclear deterrent weapons which could trigger a war that none of us would want to even consider or think about.

I just for the life of me cannot understand it. But it is some kind of mad rush that somehow things are going to be different.

Oh, yes, the Soviets are nice people now, that is why Gorbachev's KGB are such nice people, that last year in Pakistan 250 innocent civilians, many of them women and children, were murdered by Soviet-inspired, backed, state-supported terrorists in Pakistan.

So they can intimidate the Pakistan Government to stop helping the Mujaheddin. That is what it is all about. They killed a million civilians in Afghanistan—a million of them. These are these wonderful people that we are trying to show our good faith with.

So what we are going to do is we are going to give up the best deterrence, the Pershing II, a lightning-strike, decapitating system, decapitating the general that is going to head up the army that makes him decide maybe he better not give the order to attack—it has a real deterrent factor for people—in order to sign the treaty so somehow it looks good here on politics at home.

I, for one, am going to go right back to my basic premise. The best way to keep the peace and freedom in the world is to follow some very simple rules: to be strong militarily, strong economically, and, most importantly, to have strong political will that you are willing to risk everything to be free. And the next rule is to support your friends and oppose your enemies.

As long as we do that, we will have the credibility of our allies and our friends and we will have the respect of our adversaries. As long as we have the respect of our adversaries, no matter how much we disagree with them, we can avoid ever having to engage them on the field of battle, which would be so much more costly, so much more costly than maintaining the deterrence.

Mr. President, I yield the floor.

Mr. HELMS. Mr. President, I believe that since the time I suggested the absence of a quorum some time back, the documents have been brought to the desk and have been examined by the Parliamentarian and the distinguished Presiding Officer.

Mr. President, I believe it is necessary to clear up the matter about the four photographs that I identified earlier. Obviously, photographs are not amendable. The question I was raising is whether the photographs are before the Senate. There were numerous other photographs transmitted by the message of the President which are important to the memoranda of understanding and are before the Senate, as I understand it.

So my question to the Chair is whether the particular photographs I listed are now also before the Senate.

If the Chair would like, I will identify the photographs again.

The PRESIDING OFFICER. The Chair will state to the distinguished Senator from North Carolina that, to the extent that the photographs are part of the treaty and memoranda of understanding, they are before the Senate as part of the documents that the Senator from North Carolina has advised are here at the desk.

Mr. HELMS. Very well. I think this will be of particular interest not only to a very few Senators on the Foreign Relations Committee but perhaps several on the Armed Services Committee

and the Intelligence Committee as well.

Let me go back to the question I raised about the English text only, being before the Senate. That was previously ruled to be the case by the Chair.

Let me propound, again, the inquiry to which the Chair was unable to respond until he examined the original documents. Is the Russian text now before the Senate?

The PRESIDING OFFICER. The Senator from North Carolina is advised that it is the English text that is before the Senate, but the Russian text is included in the documents at the desk that are present in the Senate.

Mr. HELMS. The English text, if I could review quickly, is a document containing the signatures of the President of the United States at four points, is that correct?

The PRESIDING OFFICER. The Senator from North Carolina is advised that that does appear to be the case.

Mr. HELMS. The same is true of the signature of the General Secretary of the Central Committee of the Communist Party of the Soviet Union who signed; is that correct?

The PRESIDING OFFICER. The distinguished Senator from North Carolina is correct. That appears to be the case. There is a signature of the General Secretary that appears alongside the signature of the President of the United States of America at the appointed places in the text.

Mr. HELMS. Perhaps his handwriting is as bad as mine.

The PRESIDING OFFICER. I will leave that for the Senator from North Carolina to determine.

Mr. HELMS. But the point is that the signature, which we presume to be that of Mr. Gorbachev, is the signature not of anyone connected with the Soviet Government but of the General Secretary of the Central Committee of the Communist Party of the Soviet Union. It would be the same as if Paul Kirk or Frank Fahrenkopf, who are the chairmen of the Democratic and Republican Parties in this country, signed the treaty on behalf of the United States.

Mr. President, I make the point of order that Senate consideration of Document No. 100-11 is not in order and that the document cannot be properly before the Senate because it is not signed by a person authorized to bind the Soviet state, but is, instead, signed by a leader of a political party in a foreign state. Additionally, article 121 of the Soviet Constitution of 1977, and the law of the U.S.S.R. on the procedure governing the conclusion, execution, and abrogation of international treaties of the U.S.S.R. of July 6, 1978 precludes the binding of the Soviet state by a person whose signature the Chair has just acknowledged

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appears at four points on Document No. 100-11.

The PRESIDING OFFICER. The Chair does not have the authority to make a ruling such as the ruling requested by the distinguished Senator from North Carolina on a point of law and is required to submit such a question to the Senate.

Mr. HELMS. That is correct. But the point of order is debatable; is it not?

The PRESIDING OFFICER. Consequently, the Chair submits the question to the Senate. Is the point of order of the distinguished Senator from South Carolina well taken? And the point of order submitted to the Senate by the Chair, at the urging of the Senator from North Carolina, is debatable.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. HELMS. Yes.

Mr. BYRD. Mr. President, would the Chair state what the point of order is so we will know what the question is before the Senate? Precisely what is the point of order that is debatable on the floor of the Senate?

The PRESIDING OFFICER. May the Chair state to the majority leader exactly what that point is. This might not be precisely the wording of the Senator from North Carolina but I think it is a correct statement.

Mr. BYRD. Mr. President, I ask the Senator from North Carolina to submit his point in writing.

The PRESIDING OFFICER. That would be agreeable to the Chair and preferable to the Chair.

Mr. BYRD. Well, I demand it. I do not want to use the word "demand" the way it sounds, but I use it in a parliamentary sense so that the Senate knows precisely what the point of order is and what we are debating.

The PRESIDING OFFICER. I thank the majority leader. Would the distinguished Senator from North Carolina send the Chair in writing the point involving the legality of signature on the treaty so that it can be read to the Senate?

Mr. HELMS. I agree with the majority leader. Certainly.

Mr. President, let me say that I agree absolutely with the majority leader, that it ought to be in writing and it will be in writing at the desk in less than 5 seconds, unless this young man has slowed down considerably.

The PRESIDING OFFICER. The clerk will report the point of order made by the distinguished Senator from North Carolina.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] makes a point of order that Senate consideration of Document No. 100-11 is not in order in that the document cannot be properly before the Senate because it is not signed by a person authorized to bind the Soviet state but is signed instead by the leader of a political party in a foreign state and that, additionally, Article 121 of the Soviet Constitution of 1977 and the Law of

the U.S.S.R. on the Procedure Governing the Conclusion, Execution, and Abrogation of International Treaties of the U.S.S.R. of July 6, 1978, precludes the binding of the Soviet state by the person whose signature appears at four points in Document No. 100-11.

The PRESIDING OFFICER. The Chair has ruled that question will be submitted to the Senate and that the question is debatable. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I trust that the Senate and the Senators will understand the significance of the decision that we will reach on this point of order. The Chair ruled absolutely correctly that the Chair cannot rule on a question of this sort, or on point of order of this sort. Rather, the question must be referred to the Senate itself.

Stated bluntly, the question is whether the Senate is going to submit meekly to permitting our own country to make supreme law through agreement with foreign political parties.

This treaty as it now rests at the desk is between the United States Government and a political party, to wit, the Communist Party of the Soviet Union. Not with the Soviet Government but with the Communist Party of the Soviet Union.

I was greatly concerned, Mr. President, at the recent disclosure that Mr. Gorbachev was not authorized to sign the document now before us. He was not authorized to sign it on behalf of the Soviet Union.

When Mr. Brezhnev signed treaties with us, there was the authorization and certification. But not in the case of Mr. Gorbachev.

Mr. Gorbachev sat down, identifying himself formally only as the head of the Communist Party in the Soviet Union.

Mr. President, it is a undisputed principle of international law that treaties are made between states, governments, countries. Therefore, only a head of state or a foreign minister, a duly appointed and authorized ambassador, or a person specifically authorized by a state—that is to say a government—can sign a treaty on behalf of the state.

Mr. Gorbachev holds no plenipotentiary state office; none. He is not Chairman of the Presidium of the Supreme Soviet. He is not the head of state. He is not a foreign minister. He is not even Chairman of the Council of Ministers. He is the boss of the Communist Party in the Soviet Union. Nothing more, nothing less.

I do not know why the Soviets failed to secure for Mr. Gorbachev the credentials necessary for him to represent and bind the Soviet Government to this treaty as proposed. Indeed, few Americans understand the inner workings of the Kremlin. And that is part of the problem.

But the fact remains that this document now at the desk is not binding on

the Soviet Union. I think any international lawyer will tell you that. It is only an agreement between the President of the United States on the one hand and the head of a foreign political party on the other; the foreign political party being the Communist Party of the Soviet Union.

Mr. Gorbachev is General Secretary of the Communist Party of the U.S.S.R., but that is all.

I submit, Mr. President, that it is not in order for the Senate to consider these documents until some further corrections and adjustments are made. Therefore, I have raised a point of order to the consideration of the document and the point of order is based on the plain meaning of the English language.

Webster's dictionary, the very large one back in the Cloakroom and back in the reporters office, defines a treaty as being "An agreement * * * between two or more states"—states, Mr. President, not political parties—"signed by representatives duly authorized."

You cannot get around that.

Then the definition in the big Webster's dictionary concludes by saying: "usually ratified by the lawmaking authority of the state." But first—but first—a duly designated and authorized representative of the state, must sign the treaty. And nobody has done that as yet on behalf of the Soviet Union with respect to this treaty.

That is what the English word means. And that explains why formal signing by authorized representatives is no minor point but, indeed, is a crucial point. It is a point recognized as crucial even by the Soviet Constitution of 1977 which reads at Article 121, and I quote:

The Presidium of the Supreme Soviet of the U.S.S.R. shall ratify and denounce—

"and denounce," Mr. President—international treaties of the U.S.S.R.

That is what the Soviet Constitution says.

To fully understand the import of this provision, it is essential to understand the Soviet law of July 6, 1978, regarding precisely who may execute a proposed treaty on behalf of the Soviet Union. And that law is very, very specific. Article 9 provides:

Powers for the holding of negotiations and for signing of international treaties of the U.S.S.R. shall be issued by the Presidium of the Supreme Soviet of the U.S.S.R.

Mr. President, that was not done, and it is no mere oversight.

Article 10 of the Soviet Constitution provides that without specific accreditation only "the Chairman of the Presidium, the Chairman of the Council of Ministers and the Minister of Foreign Affairs shall have the right to sign international treaties without special authorization."

I must commend the drafters of the Soviet Constitution because they made it very clear. It is not the Senator from North Carolina talking. That is

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the Soviet law, that is the Soviet Constitution.

So when Senators vote on this question, I hope they will bear in mind that it is not a trivial question. It is very serious because if the Senate chooses to bury its head in the sand on this fundamental defect and consent to ratification without having seen it resolved, then we will lose control of the papers and we will have no way whatsoever of ensuring that the lax and unprofessional work by the State Department and others does not continue, and that the defect will remain uncured.

Mr. President, who can guarantee that the presidium of the Soviet Union, when and if it suits its purpose, will not denounce this treaty as provided in the Soviet constitution on precisely the ground being raised now by the Senator?

I would make this inquiry of the Chair, knowing the answer to be "no one" can guarantee this.

The yeas and nays are automatic; is that correct?

The PRESIDING OFFICER. The Chair will advise the distinguished Senator from North Carolina, the yeas and nays must be ordered.

Mr. HELMS. Must be ordered.

The PRESIDING OFFICER. Does the Senator ask for the yeas and nays?

Mr. HELMS. I so do.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island.

MR. PELL. Mr. President, this is a point of order that we all knew was coming. Mr. President, I think we ought to bear in mind what the current law is. Under the Vienna Convention and the law of the treaties, you have this sentence appearing:

1. A person is considered as representing a State for the purpose of adopting or authenticating the text of a treaty or for the purpose of expressing the consent of the State to be bound by a treaty if:

(a) he produces appropriate full powers; or

(b) it appears from the practice of the States concerned or from other circumstances that their intention was to consider that person as representing the State for such purposes and to dispense with full powers.

This is one of the requirements; one of the other requirements is that it produce appropriate powers. As long as one or the other condition is fulfilled and in this case, it would seem to me when Mr. Gorbachev appeared here, he appeared as if possessed of those powers and should be accorded that courtesy and that right.

It is not the practice of the United States to demand each time full powers from a foreign representative where it is clear from the circum-

stances that he does represent his nation.

This was certainly the case with respect to Gorbachev's signature of the INF Treaty. It was clear that Mr. Gorbachev, and nobody else who was along from the Soviet delegation, represented the Soviet Union at that meeting. Gorbachev is known to be the authoritative maker of Soviet foreign policy and had represented the Soviet Union on previous occasions. The Soviet foreign minister was present at the signature of the treaty and, obviously, agreed with Mr. Gorbachev's acting on behalf of his government.

Under such circumstances, a demand for a full power would have been an arid formality, one not required by American practice or by international law.

In any event, the INF Treaty was signed subject to ratification. Before that occurs, the Supreme Soviet will have formally approved the treaty. This will remove any doubts, if there could be any, about the authoritative character of Soviet adherence to the treaty.

I believe that the Senator from Indiana will have a statement to make and then, unless there are others wishing to speak, it will be my intention to move to table.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Indiana.

Mr. LUGAR. Madam President, under international law, a person has authority to sign a treaty if it appears from the circumstances that it was the intention of the State involved that that he represent it for that purpose. This is true even if he has not been issued full powers, or does not occupy a formal governmental position.

No rule of international law requires any particular form of evidence of a foreign leader's power to sign a treaty. Treaty-making involves common sense and wise judgment. It is for each country to decide what it will require, in light of its experience and the circumstances it judges important.

My colleague, the distinguished chairman of the Foreign Relations Committee, has cited article 7, paragraph 1 of the Vienna convention. I shall not repeat that.

I point out that an attempt was made, in the UN conference which negotiated the Vienna Convention, to amend this article to delete paragraph (1)(b), but this proposal was rejected on the grounds that it would deprive states of flexibility to dispense with full powers if they desired.

It is not the practice of the United States to demand full powers where the circumstances indicate that the person signing a treaty does in fact represent his government.

It was clear from the circumstances that the Soviet Union considered Gorbachev to be its representative for the purpose of signing the INF Treaty. He

needed no full powers, and the United States had no reason to demand them.

No one can responsibly doubt the authority of General Secretary Gorbachev, a man who dealt regularly and authoritatively with the President of the United States, to sign the treaty. Gorbachev clearly determines the foreign policy of the Soviet Union, and regularly deals on behalf of the Soviet Union with foreign heads of state and foreign ministers. The U.S. Government has no doubt about Gorbachev's authority.

The many high-ranking Soviet governmental officials present at the Washington summit, including the Foreign Minister, clearly accepted Mr. Gorbachev's authority to represent the Soviet Union and to sign the treaty. These high-ranking officials of the Soviet Government had no doubt about Gorbachev's authority.

Since the treaty was signed, the governmental authorities in Moscow have made clear by their conduct that they accept the validity of Gorbachev's signature on their behalf. The supreme Soviet has carried on its deliberations on the treaty, with no suggestion whatsoever that Mr. Gorbachev acted without authority. The supreme Soviet has not doubted the authority of Mr. Gorbachev.

Last week, Secretary Shultz negotiated about the implementation of the treaty with the Soviet Foreign Minister, who undeniably has authority to commit the Soviet Union for these purposes. This was clearly done on the assumption that the treaty had been validly signed. The Foreign Minister and his subordinate signed two agreements that were expressly based on the validity of the treaty. The Soviet Foreign Minister has not doubted Mr. Gorbachev's authority.

Our NATO allies have acted on the premise that Gorbachev's signature was valid. Soon after the treaty's signature, the Western basing countries all signed the basing country agreement, the only purpose of which is to implement the treaty. Thus, our allies did not doubt Mr. Gorbachev's authority.

It is true that in 1972 General Secretary Brezhnev provided a document which authorized him to sign treaties with the United States. However, the fact that this happened then in no way prevents the Soviets from dispensing with such documents later, so long as we are satisfied from the circumstances that the person signing a treaty is indeed representative of the Soviet Union.

In effect, the point of order asks the Senate to pass on the credentials of a foreign government representative. This is the executive branch's responsibility, not the Senate's.

Under the Constitution, it is the President's function to deal with and accept the credentials of representatives of foreign governments. It is also

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the President's constitutional function to negotiate and sign treaties.

The Senate's responsibility is to give advice and consent to treaties negotiated by the President. The Senate does not have the responsibility of passing on the credentials of those foreign representatives who negotiate or sign treaties.

The President and the Secretary of State have decided that Mr. Gorbachev is an appropriate representative of the Soviet Union for the purpose of signing the INF Treaty. The Senate should not put itself in the position of second-guessing them in the exercise of their constitutional functions in this regard.

Therefore, in these circumstances, there is no substance whatsoever to the claim that the treaty was not validly signed or that the treaty would be invalid if the Senate proceeded to give its advice and consent. It is not the Senate's function under the Constitution to re-examine the executive's decisions on the credentials of foreign government representatives. It would not enhance the credibility of the United States if it were now to question General Secretary Gorbachev's signature of the treaty.

Mr. PELL addressed the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island sought recognition first.

Mr. PELL. I thank the Chair. I was going to move to table.

Mr. HELMS. I suggest the absence of a quorum. If I am precluded from responding to these arguments, we are going to sit here in quorum calls the rest of the night.

Mr. PELL. Madam President, as a matter of courtesy, if the Senator from North Carolina wants to make some more points about this—

Mr. HELMS. Yes. I want to review points—

Mr. SYMMS. Will the distinguished chairman yield?

Mr. PELL. I will yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Rhode Island has the floor. I believe the Senator from North Carolina was raising a point with the Senator from Rhode Island.

Mr. SYMMS. Will the Senator from Rhode Island yield? Will the Senator yield?

Mr. PELL. I was yielding to the Senator from North Carolina.

Mr. SYMMS. Will the Senator yield for a question?

Mr. PELL. Certainly.

Mr. SYMMS. I want to ask a question of the distinguished chairman. Will I be able to speak on this? It is my understanding it is a debatable motion and I prepared remarks on this issue. I wish to speak on it. Will I be able to do that?

Mr. PELL. As a matter of comity, I hope we would agree after the two

Senators have spoken we could get on with a vote.

Mr. HELMS. Madam President, I seek the floor in my own right. In the first place, the Senator cannot yield to me, as he knows. So I seek it in my own right.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield the floor? Does the Senator from Rhode Island yield the floor?

Mr. PELL. I really feel that the points have been made and that we really should vote. I was hoping we could do it as a matter of comity and that the Senator would limit his remarks.

Mr. SYMMS. Madam President, I note the absence of a quorum.

Mr. BYRD. Madam President, the Senator cannot do that unless this Senator yields to him for that purpose.

Mr. PELL. I have the floor and I was going to call for a vote, but out of a sense of comity with the Senator from North Carolina, if he has a few more points to make, and the Senator from Idaho, fine. But let us get on with the vote. Would he limit himself?

Mr. HELMS. No. I am not going to take long, but I am not going to engage in any time agreement. I have 1½ pages of inquiries with reference to the Senator's reference to the Vienna Convention. But no, I will not agree to a time limitation.

Mr. PELL. I really think that I must move to table. I so move. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS addressed the Chair.

Mr. SYMMS. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I ask unanimous consent that the call for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Observing none, it is so ordered.

Mr. PELL. Madam President, in a spirit of comity and hopefully brevity, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair must apprise the Senate that there is a nondebateable motion pending before the Senate.

Mr. PELL. The Chair is absolutely correct. We should not have forgotten. A motion to table is before the body. I

would ask permission to withdraw that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair. I assure the distinguished chairman and able majority leader that I shall not be long. I anticipated that my chairman, for whom I have great affection, would bring up the Vienna Convention, and I anticipated precisely the remarks by the distinguished Senator from Indiana. I will say to both of those gentlemen they are leaning on weak reeds indeed. So I have a series of parliamentary inquiries regarding the status in the Senate of the Vienna Convention on the Law of Treaties, and I would ask the Chair to entertain those inquiries at this time.

First, Madam President, has the Vienna Convention on the Law of Treaties been submitted to the Senate by the President for advice and consent?

The PRESIDING OFFICER. Will the Senator from North Carolina please repeat that?

Mr. HELMS. Yes, gladly. Has the Vienna Convention, to which Senator PELL eloquently alluded, has the Vienna Convention on the Law of Treaties been submitted to the Senate by the President of the United States for advice and consent?

The PRESIDING OFFICER. The Chair informs the Senator that the Vienna Convention has been submitted according to all appropriate rules.

Mr. HELMS. I thank the Chair.

So the answer is yes. Has the Senate advised and given consent to the ratification of the convention?

The PRESIDING OFFICER. It has not.

Mr. HELMS. Then it is correct that the convention, pursuant to article VI, clause 2 of the Constitution of the United States, is not the supreme law of the land; is that correct?

The PRESIDING OFFICER. The Chair can only respond that no consent has been given to the treaty.

Mr. HELMS. I am sorry.

The PRESIDING OFFICER. The Chair can only respond that no consent has been given to the treaty.

Mr. HELMS. Well, if it has not been ratified it has no—

Mr. PELL. Will the Senator yield for a question?

Mr. HELMS. Yes, I will be glad to.

Mr. PELL. Would it not be a matter of customary law that this should be followed?

Mr. HELMS. Not at all. Not at all. If you do not ratify a treaty, it is like a dead cat lying on somebody's doorstep.

Is it correct, Madam President, that the Standing Rules of the Senate are adopted under power granted to the Senate in article I, section 5, clause 2 of the Constitution and that the precedents of the Senate in fact flow from those rules?

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The PRESIDING OFFICER. The Senator is absolutely correct.

Mr. HELMS. I thank the Chair. Now, is it also correct that the proposed convention cannot vary or change the rules or the procedures or the precedents of the Senate or alter or amend the Constitution of the United States, including the procedures specified therein for making treaties?

The PRESIDING OFFICER. I advise the distinguished Senator from North Carolina the Chair cannot comment on matters of law. However, in terms of the rules and procedures, and precedents of the Senate, the convention would have no effect.

Mr. HELMS. That is exactly the point at issue, Madam President.

So in view of the learned responses of the Chair for which I thank her most sincerely, I respectfully suggest to my friend from Rhode Island and my friend from Indiana that unless and until the proposed convention is brought before the Senate for consideration in executive session, the various interpretations of its provisions have no relevance whatsoever to Senate proceedings and ought to be ignored.

Furthermore, I might add that even if the Senate should at some later date—which it has not done as of this date—approve the convention, meaning the Vienna Convention, then its provisions would still have absolutely no bearing on the Constitution of the United States regarding the making of treaties. No treaty, even a treaty on making treaties, has supremacy over the Constitution of the United States. I fervently hope that it never will.

I thank the Chair.

I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I thank the distinguished Presiding Officer.

Madam President, I wish to briefly address the Senate on why I believe Senator Helms is correct in his assertion and gives some of the background for that, and why I supported the position the Senator from North Carolina presented here with respect to whether or not the Soviet Union has signed this treaty, in a situation where it will be a valid signature.

Madam President, the proposed treaty now before the Senate in my opinion is invalid as a treaty, and in many ways I think Senators could take umbrage with the State Department to have submitted this agreement with a Communist political party leader to the Senate for advice and consent. There are two major reasons for this. I will go into them.

Customarily, international law, although it has no true meaning, pertains to the capacity of states to conclude treaties. It describes how states can go about accrediting their signatures to treaties. Only the head of a state, the head of a government, a

Foreign Minister, or a properly represented accredited representative of the state can legally sign the treaty that binds a state. That is point one. Binding; is this going to be binding by both sides? We know that the treaty was signed by someone who had been duly elected to be the head of the Government of the United States.

Mr. Gorbachev signed the treaty officially listed as "General Secretary of the Central Committee of the Communist Party of the Soviet Union." Therefore, he had no authority to sign the proposed treaty and did not present evidence of such authority.

I think a question a Senator should ask of the State Department and should be fully ventilated here—and I thank the distinguished manager of the bill for allowing us to speak to this issue—why did the State Department not confront the Soviets and get this done? Were they afraid of the Soviet Union? Were they afraid that they might do something that would derail the treaty? Did they want a treaty so bad that they did not want to bring up an uncomfortable issue? Did they just overlook it? What was to happen? But nevertheless, because of that particular point, this proposed treaty is invalid in international law and does not conform to the Soviet law either but more importantly it does not conform with American law.

If the Senate gives its advice and consent for the President to ratify this invalid agreement with the Communist Party leader, the Soviet Union could disavow it at any time with no penalty. Let us say they decide to dispatch next year Mr. Gorbachev to the salt mines in Siberia and say we are going to have someone else take over the government now? He is no longer the leader. So they dispatch him. Someone else takes over. Then they cannot come back with the INF on the day they unveil their covert force, if they should choose to do so, of SS-20's, if they are in fact there. They will say that treaty was not valid in the first place. We fooled you suckers in the United States again.

Madam President, the noted expert on Soviet affairs, Columbia University professor and former State Department counselor, Dr. Marshall Shulman, described how Leonid Brezhnev, the General Secretary of the Communist Party of the Soviet Union was properly authorized in 1972 to sign the SALT II agreement, treaty, and interim agreement. Brezhnev was authorized by special action of the Supreme Soviet to sign the SALT documents of May 1972 and the Washington agreements of June 1973 in behalf of the Soviet Government.

Other treaties, international conventions, and protocols to which the Soviet Union is party contain explicit language on the authority and accreditation of the signatories. For example, the Additional Protocol II, signed by the Soviet Union on May 18, 1978, to the Treaty for the Prohibition of Nu-

clear Weapons in Latin America, states:

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Additional Protocol on behalf of their respective governments.

Another example is the Treaty on the Non-Proliferation of Nuclear Weapons, which the Soviet Union signed on July 1, 1968, and which states:

In witness whereof the undersigned, duly authorized, have signed this Treaty.

In the definitive book entitled "The Theory, Law, and Policy of Soviet Treaties" published by the Stanford University Press in 1962, Profs. Jan F. Triska and Robert M. Slusser cite Soviet legal experts themselves as stating:

For a [Soviet] treaty to be valid, it must be concluded by persons properly authorized to do so.

This practice of properly authorizing Soviet treaty signatories was codified in article 1, paragraph (a) of the 1923 Soviet Constitution, as amended in 1925. According to Professors Triska and Slusser, it was replaced under the 1936 Constitution as follows:

The plenary powers for conclusion of international treaties requiring ratification were to be signed by the Chairman of the Presidium of the Supreme Soviet in the name of the Soviet state, while the plenary powers for signing all other international agreements were to be signed by the Chairman of the Council of People's Commissars in the name of the Soviet government. In both cases the plenary powers were to be countersigned by the People's Commissar of Foreign Affairs.

This authorization requirement was also contained in article 121 of the 1977 Soviet Constitution, and in a 1978 Soviet law, which are even more explicit and stringent.

Professors Triska and Slusser go on to cite a Soviet legal authority as stating:

A treaty is juridically invalid if, when concluded, it is in excess of this authority . . .

Finally, Professors Triska and Slusser conclude:

To avoid such a situation, usually before an international treaty is signed all the plenipotentiaries go through the procedure of checking each other's credentials . . . Normally, only authorized Soviet (and Union Republic) representatives may conclude international treaties on behalf of the competent Soviet (and Union Republic) constitutional organs; they must have properly issued plenary powers which empower them to conclude a given international treaty. (Exceptions to this rule are negotiations between heads of states, exchanges of notes among foreign ministries, and so forth.)

On May 26, 1972, General Secretary Brezhnev was specifically authorized to sign the SALT I ABM Treaty and the SALT I Interim Agreement by a document under seal signed by Soviet President Podgorny and Soviet Foreign Minister Gromyko. This document was formally presented to the United States as accreditation of Brezhnev's plenipotentiary authority

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for specific and limited purposes. Of course, Brezhnev became Soviet President in 1975, so when Brezhnev signed the SALT II Treaty in Vienna on June 18, 1979, he was Head of State and needed no further authorization or accreditation to sign the treaty for the Soviet Union.

Madam President, I ask unanimous consent that the following citation from the American Journal of International Law of March 1977, documenting General Secretary Brezhnev's plenipotentiary powers to sign SALT I on May 26, 1972, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the American Journal of International Law, March 1977]

CORRESPONDENCE

TO THE EDITOR-IN-CHIEF

18 August 1976.

Inasmuch as the July 1976 issue of the American Journal of International Law does not contain a comment from Mr. Charles Bevans, former State Department Assistant Legal Adviser for Treaty Affairs, on the Note by Mr. Schröder in the April 1976 issue on the treaty-making power of the Communist Party of the USSR, I think it appropriate to act as his surrogate.

In his Note, Mr. Schröder speculates that Mr. Brezhnev's signature on behalf of the USSR to the 1972 ABM Treaty and the Interim Agreement with the United States was accepted by the United States, in accordance with Article 7, paragraph 1(b) of the Vienna Convention on the Law of Treaties, as a new international practice. Mr. Schröder is mistaken as to the facts.

Like Mr. Schröder, I too was curious as to Mr. Brezhnev's authority to sign the agreements, and, accordingly, shortly after they were signed, I asked Mr. Bevans whether Mr. Brezhnev had produced appropriate full powers (as specified in Article 7, paragraph 1(a) of the Vienna Convention). Mr. Bevans informed me that Mr. Brezhnev had, in fact, produced full powers, signed by the Chairman of the Presidium of the Supreme Soviet of the USSR and countersigned by the Minister of Foreign Affairs of the USSR. At my request, Mr. Bevans was kind enough to provide me with copies of those full powers. The copies are attached. Also attached is a similar copy of the full powers produced by Mr. Brezhnev for the 1973 Summit meeting referred to by Mr. Schröder.

BENJAMIN FORMAN,
Assistant General Counsel, International Affairs, U.S. Department of Defense.

THE PRESIDUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it empowers Leonid Ilyich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, to sign in the name of the Union of Soviet Socialist Republics the Agreements between the Union of Soviet Socialist Republics and the United States of America.

Moscow, June 12, 1973.

[Stamp of the Presidium of the Supreme Soviet.]

Chairman of the Presidium of the Supreme Soviet of the USSR.

[Signed] N. PODGORNYY.

Countersigned by the Minister of Foreign Affairs of the USSR.

[Signed] A. GROMYKO.

CORRESPONDENCE

THE PRESIDUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it authorizes Leonid Ilyich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, to sign the Interim Agreement between the Union of Soviet Socialist Republics and the United States of America on Certain Measures with Respect to the Limitation of Strategic Offensive Arms.

Moscow, May 26, 1972.

[Stamp of the Presidium of the Supreme Soviet of the USSR.]

Chairman of the Presidium of the Supreme Soviet of the USSR.

[Signed] N. PODGORNYY.

Countersigned by the Minister of Foreign Affairs of the USSR.

[Signed] A. GROMYKO.

THE PRESIDUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS

declares that it authorizes Leonid Ilyich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, to sign the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Limitation of Anti-Ballistic Missile Systems.

Moscow, May 26, 1972.

[Stamp of the Presidium of the Supreme Soviet of the USSR.]

Chairman of the Presidium of the Supreme Soviet of the USSR.

[Signed] N. PODGORNYY.

Countersigned by the Minister of Foreign Affairs of the USSR.

[Signed] A. GROMYKO.

26 August 1976

Mr. SYMMS. Madam President, there is another equally serious reason why the Senate should not allow the State Department's tolerance for Gorbachev's invalid signature on the proposed INF Treaty to go unchallenged.

Madam President, that is point 1. Point 1 is that if the time comes that the Soviets find it convenient to break out of ABM, to rule out the SS-20's that they may have hidden, that many people do believe—and there is reason for all of us to question whether or not there is a hidden force, since if you hide them in a building, it is hard to verify it, if the building is at some location we are not allowed to inspect—then they can come back and say it was signed by an invalid signatory.

If you study the history of the Marxist-Leninist revolution, they have always taught us that it is OK to lie, as long as it furthers what they are trying to accomplish. They think that is a morally acceptable type of activity.

So point 1 is that if Gorbachev is removed some day, they could easily come back and say that he was only head of the party and therefore he was not justified to do this.

Point 2: To allow the General Secretary of the Communist Party of the Soviet Union to sign a United States-Soviet treaty means that for the first time in the history of United States-Soviet relations we are recognizing the Communist Party of the Soviet Union, instead of just the Soviet Government. But the Soviet state has always tried

to claim that while the Soviet Government might be just like any other government, the Communist Party of the Soviet Union was independent of the Government and thus still completely free to foment revolution in every other state in the world.

In other words, it would be OK for the Communist Party to foment revolution. Maybe their Government did not agree with it.

The Soviet Government has always tried to achieve formal American recognition of the Communist Party of the Soviet Union, so as to further advance the world revolutionary cause. To avoid this recognition, the United States State Department has heretofore always relied on the convenient diplomatic fiction that we could recognize only the Soviet Government, while avoiding recognition of the violent revolutionary intentions and activities of the Communist Party of the Soviet Union around the world and even inside our own country.

Thus, formal American recognition of the Communist Party of the Soviet Union, as embodied in Gorbachev's signature as party leader to the proposed INF Treaty, is a major diplomatic victory for the Soviet Union. It could allow the Soviet Communist Party to work actively and legally and even openly to overthrow the Government of the United States of America by violent revolutionary means.

Such recognition by the State Department would thus actually authorize and legitimize Soviet aggression against the United States.

I cannot see why we are on such a railroad track for ratification that we want to overlook this point.

Before President Reagan departs for his next summit meeting with the Soviets, this time in the Soviet Union, he therefore may want to ask the State Department to examine whether the Soviets are complying with a fundamental promise they made at the time that United States-Soviet relations were first established.

The basic foundation for the establishment of United States-Soviet diplomatic relations in 1933 was a letter that Soviet Foreign Minister Litvinov wrote to President Franklin D. Roosevelt, solemnly pledging that:

It will be the fixed policy of the Government of the Union of the Soviet Socialist Republics . . . not to permit the formation or residence on its territory of any group or organization which has an aim of the overthrow of, or the bringing about by force, of a change in the political or social order of the whole or any part of the United States, its territories or possessions.

The Soviet Government, however, always claimed that while it might be in compliance with the Litvinov promise to itself refrain from revolution inside the United States, the Communist Party of the Soviet Union was an altogether different and independent entity, and therefore party revolutionary activities inside the United States

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were beyond the control of the Soviet Government.

Two questions should be raised about Soviet compliance with this 1933 Soviet pledge establishing the basis for United States-Soviet Governmental relations:

First, do the International and the Propaganda Departments of the Secretariat of the Central Committee of the Communist Party of the Soviet Union residing in the U.S.S.R. still explicitly advocate violent Communist revolution against all bourgeois regimes, especially against the "main enemy"—the United States Government?

That is the first question, and I ask that question of my colleagues. I think they know what the answer is. All they have to do is read the reports of the Communist Party meetings in the Soviet Union. That is clearly an affirmative answer.

The second question:

Have these party organs effectively replaced the old revolutionary Communist International, or Comintern?

The answer to these questions is yes, clearly and unequivocally.

Second, does the 1986 Russian CPSU document Partappararat, written under the supervision of General Secretary Gorbachev, state:

The revolutionary parties of the working class are guided by the scientific theory of . . . Marxism-Leninism. They are distinguished by the conviction of the historical inevitability that capitalism will be replaced by socialism, by their understanding of objective laws of socialist revolution, in whatever forms—peaceful or nonpeaceful—it [i.e. revolution] is implemented . . . ?

The answer to this question is also yes.

These examples contradict the Soviet promise underlying the very basis for the first establishment of United States-Soviet governmental relations.

Thus in sum, by formally recognizing Gorbachev as party leader in the proposed INF Treaty we are recognizing finally the legitimacy of the goal of violent revolution against our own Government. This would be a major victory for Soviet diplomacy, which the Senate should never accept.

In addition to requiring the State Department to provide the Senate with an assessment of whether the Soviets are fulfilling the Litvinov promise, when President Reagan goes to Moscow, he should ensure that the proposed INF Treaty is resigned, either with Soviet President Gromyko, or with Gorbachev as a duly accredited representative of the Soviet Government. This is the least we could do. Otherwise, the Senate will be submitting like sheep to the tyranny of the Russian Communist Party.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I seek recognition just to pose a few questions to my friend from Idaho.

I inquire of the Senator: Is it his judgment that even if we were to ratify this treaty this week or next week, the treaty itself would be null and void?

Mr. SYMMS. It is my judgment that if and when the Soviet Union wanted to have a loophole to get out of the treaty, they could roll this back out and say that they had it signed by an illegitimate head of Government, that they had it signed by the Communist Party. That is a separate issue from the issue of giving legitimacy to the goals of the Communist Party.

Mr. COHEN. It seems to me that if that were the case, the treaty would be null and void, no matter what we did. There would be nothing to prevent a future United States President, be it Dukakis or Jackson or Robertson or Dole, or whomever, to declare the treaty to be null and void because an authorized person never signed it on behalf of the Soviet Union. So it probably cuts both ways in that respect.

Would it satisfy the Senator from Idaho if we were to ask the Supreme Soviet, which is currently carrying on some sort of reciprocal debate in its Chamber, if they were to attach an understanding, thereby ratifying the General Secretary's authority to have signed the agreement? Would that be satisfactory?

Mr. SYMMS. That is what I said in my closing comments. That is the least we should get out of this. The President can require that it be resigned.

Mr. COHEN. During their deliberations, they may attach an understanding that, indeed, Secretary Gorbachev had the authority to sign this on behalf of the Soviet Union. Would that be satisfactory?

Mr. SYMMS. That would be an improvement. I might just say to my dear friend from Maine that I lack confidence in the Soviets really giving a darn about whether or not it is legitimate or not legitimate. I view this as a question from our point of view. I cannot understand why it is people down in Foggy Bottom and the White House and everywhere else in this town and inside the beltway are so hell-bent to get this treaty ratified because somehow something bad is going to happen if it is not ratified.

I would say to my friend if you go out and talk to the working people outside the beltway, they could care less. They probably do not know what INF means. They could care less about the INF Treaty. They do care about their taxes and chances for preservation of freedom.

I just think for us to be signing a treaty, which we will treat as the supreme law of the land, without having every precaution taken is a mistake on our part.

So that is why I intend to vote against the ratification.

Mr. COHEN. If I could make one other point. It is my understanding of the Senator from Idaho's position that whether or not General Secretary Gorbachev had the legitimate authority to sign on behalf of the Soviet Union is really quite irrelevant in the Senator's own assessment. This is because, as I understand the Senator's position, he believes that they may have more SS-20's in their inventory than they have publicly declared and, if that is the case, they have the ability to have a breakout potential. Whether at some future time they choose to do so under the pretext that General Secretary Gorbachev did not have authority, or whether they simply chose to do so because of military expediency would be quite irrelevant in the Senator's judgment. So, whether it is legal or illegal is really not the issue as far as the Senator from Idaho is concerned.

Mr. SYMMS. My dear friend from Maine is correct. For one thing, this Senator is not undecided on his position on the treaty.

I thank the Senator.

Mr. COHEN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, on behalf of Senator LUGAR and myself I move to table the point of order.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. PELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island to lay on the table the point of order of the Senator from North Carolina.

On this motion the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], and the Senator from New York [Mr. MOYNIHAN], are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 6, as follows:

(Rollcall Vote No. 145 Ex.)

YEAS—91

Adams	Burdick	Dixon
Armstrong	Byrd	Dodd
Baucus	Chafee	Dole
Bentsen	Cochran	Domenici
Bingaman	Cohen	Durenberger
Bond	Conrad	Evans
Boren	Cranston	Exon
Boschwitz	D'Amato	Ford
Bradley	Danforth	Fowler
Breaux	Daschle	Garn
Bumpers	DeConcini	Glenn

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Gore	Levin	Roth
Graham	Lugar	Rudman
Gramm	Matsunaga	Sanford
Grassley	McCain	Sarbanes
Harkin	McConnell	Sasser
Hatch	Melcher	Shelby
Hatfield	Metzenbaum	Simon
Hecht	Mikulski	Simpson
Heflin	Mitchell	Specter
Heinz	Murkowski	Stafford
Hollings	Nickles	Stennis
Inouye	Nunn	Stevens
Johnston	Packwood	Tribble
Karnes	Pell	Wallop
Kassebaum	Proxmire	Warner
Kasten	Pryor	Weicker
Kennedy	Quayle	Wilson
Kerry	Raid	Wirth
Lautenberg	Riegle	
Leahy	Rockefeller	

NAYS—6

Helms	McClure	Symms
Humphrey	Pressler	Thurmond

NOT VOTING—3

Biden	Chiles	Moynihan
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So the motion to table the point of order was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. CRANSTON. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Will any Senators wishing to converse please go to the Cloakroom?

The Senator from Arizona has the floor.

Mr. MCCAIN. Thank you, Madam President. Does the distinguished Republican leader or the majority leader wish me to yield?

Mr. BYRD. Does the Senator from Arizona have the floor?

Mr. MCCAIN. Yes.

Mr. BYRD. Very well.

The PRESIDING OFFICER (Mr. CONRAD). The majority leader.

Mr. BYRD. I thank the Senator for yielding.

I had a little discussion with Senator HELMS and I believe that the request now would be agreeable that there be a dispensing of the further reading of the treaty and so I make that request, Mr. President, that further reading of the treaty and its protocols, memorandum of understanding, be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Senator from North Carolina and I thank all Senators. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this is a time for both fear and hope. We are now moving toward the ratification of the first major nuclear arms control treaty that goes beyond an exercise in political symbolism. The INF Treaty is far from perfect, but it will set real limits on some types of nuclear delivery systems, and it will lead to the physical destruction of many delivery systems. Unlike SALT I and SALT II, which did nothing more than enshrine

the nuclear arms race under a cloak of well meaning words, this is a treaty with meaning and substance.

THE INF TREATY IS ONLY A PRELUDE

At the same time, we need to be realistic about what we are doing. The INF Treaty is a beginning. It is an important first step in a process that will lead to far more demanding negotiations on reductions in strategic arms, conventional forces, and eventually in NATO's remaining theater nuclear forces. At the same time, it is only a beginning. It is the prelude to a process that will take at least a decade to have real meaning.

Like all previous nuclear arms treaties, the INF Treaty does not constrain the Soviet nuclear build up. To put this in historical perspective, the U.S.S.R. had a little over 2,000 warheads on strategic missile systems in 1972, when SALT I was signed. It had a little under 6,000 warheads when SALT II was signed. It now has close to 10,000 nuclear warheads on its ICBM's and SLBM's.

The INF Treaty does eliminate one class of delivery systems, but it does not affect the number of nuclear strike aircraft, short range land based ballistic missiles and GLCM's, or any category of SLCM's and ALCM's. It does not require the reduction or destruction of any nuclear warheads.

There also are some important technical problems and ambiguities. The INF Treaty does not set limits on the number of ICBM's that can be used against theater targets, and any missile that is tested even once at ranges over 5,000 kilometers is counted as an ICBM, even if it is then tested extensively at INF ranges. Similarly, a GLCM can still be deployed if it is never tested at ranges above 500 kilometers, even though its range could be extended with only a limited sacrifice in accuracy and reliability by cutting the weight of the warhead. Finally, the INF Treaty does not set any clear limits on new forms of weaponry like boost glide vehicles.

A BEGINNING WHICH DOES NOTHING TO CONSTRAIN THE TRENDS IN THE NUCLEAR BALANCE

As a result, the INF Treaty does not establish any controls on the future trends in the nuclear balance. This gives the U.S.S.R. a serious potential advantage. For all its rhetoric, the U.S.S.R. has led the nuclear arms race during the Nixon, Ford, Carter, and Reagan administrations. This includes all of the categories of theater nuclear weapons that will not be reduced as a result of the INF Treaty.

The INF Treaty will not limit the rate at which the U.S.S.R. is increasing its superiority in theater nuclear weapons. Long before the INF Treaty, NATO agreed to reduce its theater nuclear weapons by some 2,800 bombs and warheads. In contrast, the Warsaw Pact increased its land based short range nuclear delivery systems by 50 percent between 1980 and 1986. It established a 12:1 to 15:1 lead in

these systems over NATO, and it continues to deploy more nuclear artillery rounds in spite of the INF Treaty.

NATO converted many of its dual capable nuclear strike aircraft to purely conventional missions when it took the decision to deploy the GLCM and Pershing II. The Warsaw Pact built up a 3:1 lead in its number of nuclear strike aircraft, and simultaneously doubled their average range-payload capability. It has not only continued this build up since the INF Treaty was signed, there are some signs it has accelerated it.

The Soviet Union has continued to build-up ICBM and SLBM forces that can be used to substitute for the SS-12 and SS-20. In spite of all of Gorbachev's talk about arms control and glasnost, the U.S.S.R. produced 300 new ICBM's during 1984-86. All of NATO, including our British and French allies, produced 10. The U.S.S.R. produced 250 SLBM's and NATO produced 170. As for the short range—less than 500 kilometers—missiles not covered by the INF Treaty, the U.S.S.R. produced 1,350 missiles and NATO produced none.

If we look at the latest projections of our intelligence community, we find that the Warsaw Pact has conducted new tests of its ICBM's at ranges similar to those of the SS-20 and other IRBM's it has agreed to destroy. We find that the U.S.S.R. has some 6,500 nuclear warheads on its ICBM's versus a little over 2,000 for the United States and that it can afford to allocate many of these warheads to attacks on Western Europe.

We also find that at a time that the United States is still debating giving 50 of its MX ICBM's rail-based mobility, the United States intelligence community estimates that that 50 percent of all Soviet ICBM's will be mobile SS-24 and SS-25 missiles by the mid-1990's, and that the Soviet Union will replace over 85 percent of its present ICBM's with SS-24's, SS-25's, and a new heavy ICBM.

We also cannot forget that as the U.S.S.R. improves its bombers and SLBM's, it can also use these against theater targets as well as against the United States. Once again, the Soviet Union is projected to be conducting a massive modernization effort. It will modernize over 35 percent of its SLBM's by the mid-1990's, and nearly 50 percent of its strategic bombers. It will deploy large numbers of ALCM's and SLCM's, and continue to build up massive numbers of deep nuclear shelters and other defenses. In fact, the latest United States intelligence estimates strongly indicate that the U.S.S.R. is spending more on SDI programs than the United States.

The true trends in the arms race are reflected in the total nuclear stockpile, or killing power, available to each side. The U.S.S.R. has made a great many claims about a buildup in United States nuclear strength under the

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Reagan administration. The truth is that the United States has concentrated on making its forces survivable and on improving their accuracy and command and control. It has steadily cut its stockpile since 1975, and has 12 percent fewer weapons than it had then. The U.S.S.R. has increased its number of nuclear weapons by 37 percent during the same period, and now has a 30 percent lead over the United States.

All of these Soviet increases in nuclear strength can continue in spite of the INF Treaty. The U.S.S.R. can increase its number of strike aircraft, ALCM's, and SLBM's. It can target more of its ICBM's and SLBM's on Europe. It can increase its number of land-based missiles with ranges under 500 kilometers and use them to reach many of the targets that were covered by the SS-4, SS-12, SS-23, and SS-20. Iraq, for example, has recently fired its Scud B missiles at ranges of 600 kilometers by using all their propellant and reducing warhead weight to levels that would still allow the use of very high yield nuclear warheads.

All of these trends also threaten the United States and U.S. forces just as much or more than they threaten our allies. We should have no illusions. We cannot segregate arms control or decouple ourselves from the fate of Europe. The INF Treaty and START are part of a common process.

THE INF TREATY AND START ARE PART OF A COMMON PROCESS

This is the most important message we must remember as we move toward ratification and toward the next step in arms control. If the INF Treaty does not lead to a much stronger START Treaty, with far stronger sublimits, inspection requirements, and verification and enforcement provisions, the INF Treaty will be a total failure. It will be another Washington Naval Arms Treaty—a prelude to war that changes the rules of the arms race, but for the worse.

The INF Treaty is also a warning that arms control treaties do not necessarily do anything to reduce the risk and cost of war. The INF Treaty may well help create a political climate that will reduce the risk of war. There is no evidence, however, that it will reduce Soviet willingness to launch an attack if some radical change should occur in the political situation, or that it will reduce Soviet willingness to escalate to the use of nuclear weapons.

Even after the INF reductions are fully completed, the U.S.S.R. will be able to use many other weapons to complete the same missions. The U.S.S.R. can continue to increase these weapons under the terms of the treaty, and even if it does not, there is a relatively limited number of fixed targets in NATO where the U.S.S.R. will benefit from long range time urgent strikes. The U.S.S.R. not only will be able to cover all of these targets with its remaining forces, the removal of the GLCM and Pershing II will cut the number of survivable tar-

gets and remove a great deal of the risk of time urgent retaliation by NATO.

The INF Treaty might help in some war fighting scenarios, but it will increase the Soviet advantage in preempting, or launching surprise nuclear attacks in many others. This will be particularly true of strikes against ports, main operating bases, and NATO remaining nuclear delivery systems and weapons storage sites. NATO will be particularly vulnerable if the U.S.S.R. can strike before NATO disperses its nuclear strike aircraft and nuclear weapons.

Since the Warsaw Pact will be able to strike at all the same targets it had an incentive to strike at before the INF reductions, the INF Treaty will not reduce the cost of nuclear war in lives, economic facilities, and military forces. The main impact of the treaty will be to change the timing and impact of the weapons systems used in a nuclear exchange.

In fact, the INF reductions may well lead a Soviet targeteer—who is allocating aircraft, ICBM's and SLBM's—to use higher yield weapons, and to allocate more weapons, against many targets to make up for a loss of accuracy and predictable kill capability.

THE IMPLICATIONS OF THE INF TREATY FOR START

These points will be of crucial importance as we move ahead toward START. Regardless of the improvements that have been negotiated in the INF Treaty as a result of our debates, and regardless of the outcome of our ratification debate, nothing will be accomplished unless this treaty leads to a sound START agreement, and unless we proceed toward conventional force reductions with the proper caution.

If we are to move forward from the INF Treaty, however, we must come to grips with issues that the INF Treaty largely avoids. We must find some mechanism that will help enforce the treaty without relying on "killer amendments."

The INF Treaty's lack of enforcement provisions could lead future U.S. administrations, and other Western governments, to ignore uncertain intelligence indicators, or even actual violations, because of the political cost of publicizing them and taking substantive action. This could well encourage the U.S.S.R. to threaten major breaks in East-West relations, or to exploit divisions within the Western alliance, in order to force governments to suppress data on violations or to ignore a Soviet buildup in the forces and capabilities which are not covered by the treaty.

No arms control treaty can ever avoid some ambiguities in its wording, specify detailed penalties for every violation, or create a foolproof mechanism for defining the nature and seriousness of every possible violation. Nevertheless, the INF Treaty fails to make a serious attempt to deal with

any of these issues. It fails to assure the U. S. Congress, allied governments, or the peoples of the West, that violations will be fully publicized and reacted to, and to create a diplomatic climate that makes the U.S.S.R. aware it cannot try to negotiate United States and allied willingness to tolerate or ignore violations.

THE NEED FOR AN IMPROVED APPROACH TO FUTURE ARMS REDUCTIONS

It is even more important, however, that a START Treaty should not repeat the disastrous mistakes of SALT II. We must move toward a treaty that will really reduce any incentive to go to nuclear war.

The INF Treaty is the practical limit of what the West can accept in the form of arms reductions whose main effect is political symbolism. Any future reductions in strategic nuclear arms, conventional arms, and NATO's remaining theater nuclear arms must come to grips with the three real goals of arms control: Reducing the overall arms race and the instabilities in the military balance, reducing the risk of war, and reducing the cost of war if deterrence fails. Above all, such reductions must provide the West a firm assurance that a higher level of deterrence will exist after such reductions than before the reductions take place.

We cannot rush into START in the name of detente, good will, or domestic political considerations. We cannot afford to rush into a START agreement that does not achieve its purpose.

This is not a minor risk. The START Treaty, like the INF Treaty, will make deep reductions in some forces, but may well not make reductions in others like cruise missiles. Like the INF Treaty, it will not lead to the destruction of a single nuclear weapon. It affects only deployed systems, and unlike the INF Treaty, it may well not require the destruction of systems removed from deployment. Warheads, bombs, and missiles can be retained in storage, a prospect that raises a very real risk of breakout at a time when both sides are deploying mobile missiles and small cruise weapons.

If the verification of INF presents problems, we should have no illusions about START. START will create a verification nightmare—a massive intelligence and negotiating problem that can only be justified by the incredible cost of any nuclear exchange.

It also will take very few mistakes in defining sublimits and our response to those sublimits to see START end in increasing the incentive for a Soviet first strike, or in making it easier for the U.S.S.R. to use its strategic nuclear weapons against Europe or our other friends and allies. Only a few errors in bomber counting rules, cruise missile definitions, the way we load our ICBM war heads or SLBM's, could make the START Treaty the prelude to a major deterioration of the nuclear

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balance or a new and more expensive arms race.

Similarly, it would take only a few late night negotiating sessions, a careless concession under the pressure of time, or a momentary lapse of attention to create a START Treaty that would act to decouple the United States from its European allies. The START Treaty is not simply a treaty between the United States and the Soviet Union, it is a treaty between the West and the Soviet Union.

This means the West not only must find ways to deal with the problem of verification and enforcement in a way that combines its treatment of INF and START, it must develop an agreed strategy for arms control that will bind the United States and Europe together, and prevent any divisions between the front line states of Europe and other European countries.

The present lack of a comprehensive arms control strategy in the West creates such serious problems that it virtually precludes the signature of a START Treaty during this year. Even 50 percent cuts in strategic missiles will have little effect in reducing the risk of war, and loss of life, unless they are coupled to restrictions that deprive both sides of any incentive for a first strike.

A START Treaty can give the Warsaw Pact more of a military incentive to launch a first strike, preemptive strike, or counterforce strike, unless the treaty has sublimits on the mix of weapons on both sides.

We also must remember our objective. There has been careless, if not reckless, talk about "abolishing" nuclear weapons. We cannot treat the fate of the human race as an exercise in mindless political slogans. We are decades away from a world in which we can hope to place firm limits on all forms of weapons of mass destruction. We cannot ignore the proliferation of nuclear, chemical, and biological weapons.

We cannot ignore the fact that the "deep reductions" sought in the START Treaty will not rid the world of a single nuclear weapon or place any constraints on the production of new ones. We cannot ignore the fact that nuclear weapons in storage are only safer than deployed nuclear weapons if they stay in storage, and that storing nuclear weapons may actually encourage cheating and the surprise deployment of such weapons.

The goal of START is not to abolish nuclear weapons. It is to limit the arms race and above all to reduce the incentive on each side to initiate or escalate to nuclear war. START will also stand or fall on its ability to end any incentive for a first strike against the opposing side's strategic nuclear delivery systems. It will stand or fall on Soviet willingness to abandon the search for some form of nuclear war-fighting capability and to accept mutual assured destruction.

This will not be easy. The Soviets have long rejected assured destruction for a damage limiting and war fighting strategy. The Soviet Union has also approached strategic arms control from a totally different perspective. A START Treaty will only serve Western interests if it has sublimits that show the U.S.S.R. has shifted away from any effort to "win" a nuclear exchange.

START must make major reductions in the capability to strike at the remaining strategic nuclear delivery systems on each side, and it must have inspection and enforcement provisions that move toward this end.

START must explicitly come to grips with the difficult issue of mobile ICBM's and cruise missiles. A meaningful START Treaty must firmly constrain these developments, or we must accept the fact that a START agreement will fail to put meaningful limits on nuclear systems and could simply redirect the arms race.

The West must judge the value of any START agreement in net assessment terms. Even a small number of weapons can have a devastating effect. The issue in judging a START Treaty must be whether it will really create a secure military balance once it is carried out, and not how many delivery systems and warheads are reduced.

The United States, Britain, and France also must explicitly determine their force modernization needs after treaty reductions. The West cannot afford to repeat the experience of the INF Treaty, and disagree on what level of modernization is needed after the treaty becomes a fact of life.

Finally, the United States must be certain it has created a combination of inspection systems and national technical means that is fully capable of supporting the mission of both verification and of predicting all the changes in Soviet nuclear forces.

The United States will need to be able to conduct short notice inspections anywhere in the U.S.S.R. It also will probably need major additions to its intelligence budget to guard against over-dependence on a limited number of platforms in space, and to ensure that it can meet all the West's arms control needs, its other intelligence needs, and the growing needs of the United States unified and specified commands.

This is why, Mr. President, the United States must not rush into a START agreement. The issue is not time, but substance. Rushing toward START will not help the reputation of the Secretary of State or the President. We do not need another pointless repetition of SALT II. We do not need a failed treaty or, worse, a failed framework for a START agreement. This would only end in absolutely destroying the reputation of those who agreed to it, and the prospects for serious arms control.

It also is much to soon to deal with the U.S.S.R. on a basis of trust. We

have just seen at Geneva that they still are willing to exploit every opportunity we offer them, and every weakness in our arms control drafts. We cannot rush to judgment on START. Further, if we do rush into a START agreement with even the faults of the INF Treaty, I hope that this administration will understand that the present consensus on arms control will disappear. I, and I suspect many of my colleagues on both sides of this body, will immediately oppose and attack such an agreement. Every fault, every weak point will be driven home to the American people.

A sound START agreement may well be possible, and it would be an achievement that everyone in this country and the world could do nothing but applaud, but an unsound START agreement would be a true threat to world peace. This is, I believe, a crucial message of this INF debate, and one that I hope the executive branch will take with great seriousness. No matter how difficult it may be to deal with the Soviet Union under pressure, any negotiator should remember that the U.S. Senate can be even more demanding and that it will be far less willing to compromise with this Nation's security.

CONVENTIONAL ARMS CONTROL AND FURTHER REDUCTIONS IN THEATER NUCLEAR SYSTEMS

We also need to recognize that it may take years to negotiate meaningful reductions in conventional forces. In the interim, the United States and Europe must maintain their force levels in NATO, and modernize them to help offset the Warsaw Pact advantage in numbers. This requires a full understanding in both the peoples and governments of the Western Alliance of the trends in the balance, of the need to maintain and modernize such forces until suitable reductions are carried out, and of the need for carefully tailored reductions that will deprive the Warsaw Pact of its massive advantage in conventional forces.

Once again, the West must start with a net assessment approach. It cannot afford to enter into conventional force reduction negotiations unless it can forge an agreement as to the level of asymmetry it needs to establish a stable balance; and of the measures that must be taken to deprive the Warsaw Pact of its advantage in reinforcement and redeployment capability.

The West cannot afford to take added risks with its conventional forces. It is too close to the edge of losing the level of capability it needs and to being forced to rely on rapid escalation to nuclear war in even limited attacks. While such attacks may now seem unlikely, this has not been a great century for predictable and rational attacks. Further, NATO cannot leave Europe vulnerable to intimidation, decoupling, political threats, or Soviet efforts to divide the West.

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Finally, the West needs to act quickly to educate public opinion to the fact that it cannot risk further reductions in theater nuclear forces until it has a suitable START Treaty and has at least made major progress in conventional force reductions.

We cannot deter war if we are trapped into allowing our theater nuclear capability to degenerate without creating a stable balance of conventional and nuclear forces in Europe. Regardless of the current political climate in the FRG, and some other European countries, we cannot afford to follow public opinion when we need to lead it.

We need to delay further theater nuclear reductions until we have established the conditions where we are ready to conduct them properly. In the interim, we must show our resolve, modernize our air breathing and short range nuclear systems, and encourage Britain and France to modernize their national nuclear forces.

IMPLEMENTING A NEW APPROACH TO ARMS REDUCTIONS

We can deal with all of these issues without delaying ratification of, or adopting "killer amendments" to, the INF Treaty, but we need to clearly recognize that our future goal is arms reductions which will really reduce the threat and cost of war. The INF Treaty will ultimately only have meaning to the extent to which it leads to START and other arms control treaties that meet all the military and enforcement criteria that the INF Treaty does not.

Further, if we are to achieve such treaties, we must create a new political climate for arms control in the West that will build a consensus around a sound approach to arms reductions, and which will ensure that the U.S.S.R. cannot put pressure on a United States administration to disguise or delay reporting on any Soviet violations of arms control treaties.

This is why I have worked with my colleagues in the Senate Armed Service Committee, especially Senator NUNN, Senator WARNER, and Senator LEVIN to introduce legislation into the fiscal year 1989 Defense Authorization Act that would strengthen our reporting on Soviet compliance with arms control treaties, and require an annual report on arms control strategy that would analyze the true impact of arms control proposals in net assessment terms. It is also why I have joined with several of my colleagues—including Senator WALLOP, Senator McCLURE, Senator KARNES, Senator WILSON, Senator NICKLES, and Senator GRASSLEY—to add language that would strengthen our efforts to enforce all existing and future arms control treaties.

DEALING WITH THE PROBLEM OF ARMS CONTROL VIOLATIONS

The first major step in improving our approach to arms control is to find a way of dealing with violations that goes beyond narrow exercises in trying

to improve the wording of future treaties and legalistic exercises in dealing with violations.

We need to ensure that the West will publicize all Soviet violations and react with suitable countermeasures. This enforcement activity must be the responsibility of the United States. While arms control affects every Western nation, no European nation has the intelligence assets to verify major arms control treaties, and verification and enforcement cannot be left to consensus. At the same time, no arms control treaty can ever anticipate every possible violation. Further, the United States cannot afford to confuse minor violations with meaningful shifts in war fighting capability.

What is needed is a legal mechanism that goes beyond the current narrow focus on the technical details of verification and compliance and which can ensure that no Soviet violation is disguised or ignored because of a desire to preserve the overall climate of East-West relations or domestic political convenience. We need to put the U.S.S.R. on notice that it will face formal and public United States reaction to each violation, and we need to ensure that we use the Congress and Western public opinion as a deterrent to any Soviet violations or sudden build-up in military capability.

The United States can best accomplish this through legislation which requires the administration to report any significant indication of a violation to the Congress, and which expands the current annual compliance report on arms control treaties with the U.S.S.R. to give this report real teeth.

This does not require formal amendments to the INF Treaty, but it does require two kinds of enforcement legislation which can be passed either as reservations to the treaty or amendments to the Defense Authorization Act:

INTELLIGENCE REPORTING ON SUSPECTED ARMS CONTROL VIOLATIONS

Legislation is needed to require the Director of Central Intelligence to notify the Congress of any significant intelligence indicator that the Soviet Union may be violating an arms control treaty. It would require him to promptly inform the Congress of the outcome of his analysis of that indicator and to a formal determination as to whether the indicator does or does not show a Soviet violation of an arms control treaty.

COMPREHENSIVE REPORTING ON THE STATUS OF ARMS CONTROL AGREEMENTS WITH THE U.S.S.R., AND ON ANY VIOLATIONS OF THESE TREATIES

Legislation is also needed to require the President to provide the United States Congress with an annual report which would summarize the current status of all arms control agreements with the Soviet Union, and set forth a clear plan to deal with any violations. This report would expand the reporting provided in the annual compliance

report on arms control so that on December 31 of each year, the President would provide:

First, an assessment of the risks any violation of an arms control poses to the national security interests of the United States and its allies; and,

Second, the measures he is taking to bring the U.S.S.R. into compliance with their arms control commitments, as appropriate.

In the event the President had to issue two consecutive reports in which he certified any Soviet noncompliance with all current arms control treaties, this legislation would require him to include an assessment of the actions necessary to compensate for such violations, and if the violations continued, he would be required to take such actions.

This legislation would make it clear to the U.S.S.R. that it could not manipulate its way out of arms control violations through diplomacy or political pressure, and that it would inevitably be confronted by an open United States debate over any violation and by Presidential efforts to correct the violation that would counter Soviet actions or even abrogate the treaty. Such a report would also be issued at a time when it would have maximum impact on the defense budget cycle and any coming arms control negotiations.

THE NEED FOR AN ANNUAL REPORT ON ARMS CONTROL STRATEGY

The second major step in improving our approach to arms control is for the United States and NATO to create a comprehensive arms control strategy that will be regularly updated, force the administration and Congress to work toward a consensus, and educate public opinion in the United States and allied countries.

This could be accomplished in the United States by legislation to require the President to submit an annual report, on December 31 of each year, setting forth a comprehensive strategy for arms control to the Congress. In NATO, it could be accomplished by having the NATO Ministers authorize the Secretary General to issue a similar document.

The U.S. document would provide a detailed and comprehensive statement of U.S. arms control strategy on all existing and prospective arms control treaties and negotiations. It would specify the nature and sequence of an administration's future arms control efforts.

It would describe how the United States will approach strategic, conventional, and additional theater nuclear force reductions. It would provide a comprehensive net assessment of the current trends in the military balance as they affect arms control.

This net assessment would include a comprehensive data base on the forces on both sides affected by the arms control treaty, it would specify the methodology used to analyze them in

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full detail, it would provide the results of both static and dynamic methods of analysis, and it would examine all major scenarios and contingencies ranging from political confrontation to full scale war.

It would assess the military impact of arms control proposals and would explain the level and impact of U.S. arms control proposals on the risk and cost of war in typical contingencies or scenarios.

It would show the impact of proposed subceilings, asymmetries and other driving factors affecting a treaty or arms control proposal on the military balance, and show how these act to increase deterrence and to reduce the risk and cost of war.

The United States report would describe the strategy the United States will use to verify and enforce proposed arms control treaties. It would describe how the United States will consult with its allies and tailor its force improvement strategy to ensure it can preserve national security with and without arms control.

A NATO document might have to be more general, although allowing the Secretary General to issue it would ease some of the problems in coordination. It would, however, link the U.S. effort in nuclear arms control to the nuclear and conventional efforts of NATO, and it would help shape a broader consensus in NATO and the West. Above all, it would ensure that Western public opinion would be fully informed, and could not be manipulated to support the kind of arms control that might destabilize the East-West balance, rather than increase Western security.

BUILDING A DEFENSE AND ARMS CONTROL CONSENSUS

The West must face the fact that its competition with the U.S.S.R. in arms control will be a long and difficult process, and that the most serious risk it faces is the U.S.S.R.'s ability to exploit political divisions within the United States and other Western nations.

Some of these differences are inevitable. There will always be differences between liberals and conservatives, and among the nations of the West, as to the best way of dealing with verification and enforcement and with arms control strategy. The challenge we face is to find ways to limit those differences and to use them constructively, rather than allow the Soviet Union to exploit them. To do this, we have to work toward a consensus on key issues and we must do so in an open and democratic way.

We need to stop dealing in secret information, and to educate our publics. We need to build a broad popular consensus, not simply one among decision-makers and experts. If we do not, we are almost certain to see the left and right polarize. We are likely to see domestic politics force unilateral cuts in modernization, manpower, and forces in anticipation of arms reductions. We

also are likely to see the U.S.S.R. split the West by exploiting its lack of cohesion and national differences, and we may well destroy any serious Soviet interest in arms control by creating so many opportunities for political opportunism that the U.S.S.R. cannot resist exploiting them.

It is easy to rush forward into the wrong kind of arms control. History will be no more forgiving of those who do so, however, than those who rush into confrontation and an arms race. The stakes in the next arms control treaties will be the security of the world. We need to move forward in a way that not only will preserve Western security, but ultimately that of the peoples of the Soviet bloc and of the rest of the world.

Mr. President, I yield the floor.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I realize it is unfashionable to speak as briefly as I am going to in support of the ratification of the INF Treaty. The brevity of my remarks indicate in no way any lack of enthusiasm of the Senator from Vermont for ratification of the treaty. After all, I do come from the same part of Vermont that produced Calvin Coolidge. So I am speaking in his tradition.

As a consequence, Mr. President, I rise to add my voice, and my vote, to those who urge that the Senate ratify the INF Treaty before the May 29, 1988, meeting of President Reagan and Soviet leader Gorbachev in Moscow.

It is my view that the American people want the President of the United States to have a ratified treaty in his briefcase when he meets with the Soviet leader to talk about further arms controls and other matters of importance between our two nations.

While this treaty proposes only modest reductions in the massive nuclear stockpiles of our two nations, it is a historic document because it can become the first step down the road to more significant arms reductions in the future.

This treaty is in the best interest of the United States and of all the nations of the world because it is seen as a clear signal that both the United States and the Soviet Union are serious about the quest for peace.

The INF Treaty is important because, for the first time, the two great superpowers are proposing to actually destroy parts of their nuclear arsenals—and not merely to reduce the pace of the arms race.

Like other members of the Senate—and like millions of other Americans—I have studied the treaty and come to the conclusion that the treaty is in the best interest of this country and that it contains safeguards to assure that outcome.

The Senate has played an important role in establishing that guarantee. We don't have to let down our guard

in our dealings with the Russians. We don't have to trust them.

We have only to trust our own judgment and our own experts.

The treaty opens the Soviet Union to onsite inspections as an essential part of the verification process. This breakthrough is dramatic and, again, can become another step toward our eventual goal of sanity in the balance of arms in this world.

The Senate has time for a thorough debate on this treaty. We have time to decide whether to add any amendments or reservations or any other additions to the treaty.

We have time to do all that and to ratify the treaty before the leader of the United States—the leader of the free world—goes to meet with the leader of the Soviet Union to continue the quest for peace on this planet.

The eyes of the Nation, indeed of the world, are on the U.S. Senate these days. We are faced with historic decision. History, this Senator believes, requires that we meet that challenge in time to give our President the support he has requested. I am confident that the Senate will be up to that task.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I thank the Senator from Vermont for his statement, both its content, with which I thoroughly agree, and its brevity. He and I both come from New England. We value the quality of brevity, honored in the breach usually in this body, and I am very glad to share a small portion of it with him.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I compliment my friend and colleague from the State of Vermont. I agree with the excellent statement which he just made and wish to associate myself with those remarks.

In that regard, while the Senator from North Carolina is on the floor, and I hope that some of the participants in the compromise that is supposed to be worked out so that we could vote on the defense authorization bill would be here also, I would like to pose a question. Following on the remarks of the Senator from Vermont, I would simply point out that this is May 18. In 10 days or 9 days—I do not know exactly when the President is leaving—he is going to the summit meeting in Moscow with Mr. Gorbachev. I for one happen to feel that we should move much faster on this treaty and let the Senate work its will, which I predict will be substantial, if not overwhelming, vote in support of the treaty. I am guessing we are going to have 80 votes for this treaty when we finally wind it all up. I simply appeal to the membership as a

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whole to be more interested in the time that it is going to take to work this out. I do not know what is benefited by waiting until after the President is en route to Moscow or maybe waiting until after the summit has begun or sometime after the summit is over to ratify this treaty.

We are not making good use of our time once again Mr. President. The record will show, I am sure, that we started debate on the INF Treaty yesterday afternoon sometime. We had some interesting talks, I am sure, but no vote. We have been on it today since early this morning around 9 o'clock. We drag and drag and drag and finally here about 5 o'clock in the evening, which is normal pace for the Senate, we have a vote on a totally meaningless amendment.

I simply say that I think everyone should have their say. I think we should have debate. If there are flaws in this treaty, if people want to offer legitimate amendments to the treaty, then I suggest they should offer them. I appeal to Senators on both sides of the aisle, since time is of every essence, let us get moving. Let us do our work. Let us not fool around, which I think we are doing to a large extent from the time we spent on the amendment that was just defeated by a vote of 91 to 6, or some measure.

I for one think it is not proper for the Senate to tell the Soviet Union who it is that can sign a treaty for them. We are a pretty big power and we are pretty important in the world, but so far as I am able to ascertain we do not have a vote, nor do we have the military power inside the Soviet Union to force a vote, for whom we think should be signing treaties in behalf of the Soviet Union.

Therefore, while I am sure the author of that amendment felt very sincere about it, I did not happen to agree with him, as did not 90 of my colleagues. I simply ask the managers of the bill if they can tell me at this time, have any time arrangements been entered into or can some time arrangements be entered into to let everyone have their legitimate say and still not delay the determination that the Senate should make on this treaty beyond a reasonable period of time?

Mr. PELL. There are no time agreements in prospect at the moment. I would not be surprised if there were some in the future. That is the best I can say.

Mr. EXON. I appreciate the remarks from my friend, the manager of the bill, from Rhode Island, the chairman of the committee. I think his answer, the best one he could possibly give me, Mr. President, indicates the potential seriousness of the situation. There is too much dilly-dallying going on. There is also some dilly-dallying going on, Mr. President, with regard to the completion of the vote on the defense authorization bill. As the body knows, we have completed by agreement all work on that bill except the death

penalty provision offered by the Senator from New York. Once again, the Senator from New York has every right to offer that amendment. I think it is a good amendment. I have supported him on that amendment up and down the line. But I am concerned that we have not resolved this matter either by bringing it to a vote or coming up with some kind of a reasonable proposal that I understood has been made to the Senator from New York with regard to having a time certain as best the majority leader and the minority leader could give him with the understanding of the chairmen and the ranking members of the appropriate committees involved with regard to maybe bringing up the death penalty amendment on another matter.

I happen to strongly support the Senator from New York in what he is trying to do. I do not support the Senator from New York in the minifilibuster that is going on now on the defense authorization bill, and that is what it should be dubbed; or maybe someone else is filibustering the bill. I firmly believe that the defense authorization bill should move forward either with or without the amendment offered by the Senator from New York which, I emphasize once again, has the full support of this Senator.

I think it is time to move on these bills. I think the Senate is not fully realizing the very limited amount of days we have scheduled to be in session for the rest of this year, and if we do not make better use of our time than we have yesterday at midafternoon, when we started debate on the INF Treaty, and all day today until 5 o'clock tonight, then I think it is not very likely we are going to get this treaty approved before the President leaves for Moscow, to which I take strong objection.

Mr. SYMMS. Mr. President, will my colleague yield for a request?

Mr. EXON. I will be yielding the floor in just a moment. I simply say, Mr. President, I think it is incumbent on the leadership to move aggressively ahead on these two matters that I have addressed, the treaty and the holdup of the defense authorization bill. I know when we go to conference with the House on that it is going to be a very long and a very tedious and a very difficult one, and I think we should put that behind us. I also feel, with just a little more consideration from all of us, we could move much more speedily, and I would hope that most of my colleagues in the Senate would concur that the pace at which we are moving now must be corrected.

Mr. President, I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I ask unanimous consent that Mr. Keith Skidmore have floor privileges during the deliberations on the INF Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. I thank the Chair.

Mr. DOLE. Mr. President, let me indicate that we would certainly like to continue on this treaty tonight for 2, 3, or 4 hours if there are speakers. I can only address Senators on my side. I understand the distinguished Senator from Maine might be prepared to launch into a major address. In any event, we would hope so. But if there are speeches to be made or amendments to be offered, I think the vote we just had is an indication of the strong support for this treaty. It is not going to be any surprise. It is going to be more than 80 votes; there is going to be probably 90-some votes for the treaty. Let us get it done. Let us get it over with. The President leaves at 10 o'clock next Wednesday morning.

I do not suppose he has to have it on the plane. They can get it over there later. But we ought to be moving, and I hope we are moving. I hope amendments will be offered. If there are any amendments to the text, let us offer them now. I urge my colleagues, particularly on this side, and I make an appeal as a Republican, with the Republican in the White House and the Republican who is going to go to Moscow, that we should accommodate our President.

Again, I do not accuse anyone of foot-dragging or any dilatory tactics. But here it is 5:30; there are still 2 or 3 hours of daylight. We could do a lot between now and 8:30 or 9 o'clock tonight to move this process along.

So if there are any Senators who may be listening who could make their speeches, either in support of INF or offer an amendment of any kind, whatever they may be offering to the text of the treaty, it would certainly help the leadership on both sides of the aisle.

Senator BYRD, the majority leader, is certainly committed to trying to do what he can to speed up action. I want to join him in that effort.

Insofar as the DOD authorization bill and the D'Amato amendment, I would indicate to all my colleagues that I have just received less than 30 minutes ago a proposal from Senators in opposition to the D'Amato amendment. Senator D'Amato does not even know I have this. I will now discuss this proposal with Senator D'Amato, and hopefully have some report to the full Senate or the leadership either late tonight or tomorrow morning.

But what we are trying to agree on, if we can agree, is to have a freestanding amendment with the time limitation and with identified amendments, and limiting the postcloture period. So we hope to make some report on that.

I want to yield the floor very quickly before anybody leaves.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

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Mr. EXON. I wonder if the minority leader might share with all of us in the U.S. Senate the latest proposals that have been made with regard to ending the debate on the defense authorization bill. Did he indicate he had a proposal? I ask the question of the majority leader. Can he share that with us just so the Senate might have some inkling as to what is going on and how reasonable each side is being, assuming that they are being reasonable on coming to some kind of an understanding on the measure?

Mr. DOLE. I would say I only have a draft of amendments to be offered by either Senators KENNEDY or HATFIELD or SIMON or LEVIN or EVANS. They have identified 10 amendments that are germane to the D'Amato amendment. Then I have a suggested draft on a unanimous-consent agreement which would dispose of the freestanding measure within 2 days assuming cloture is invoked. But it is only preliminary. I think it might be misleading if I start going through it point by point.

Mr. EXON. I understand. I thank the minority leader. I will just say, Mr. President, because I know the gathering throngs are waiting, that the Senator from Nebraska has a statement that I intend to deliver that everybody has been anxiously waiting for on the INF Treaty. I have delayed introducing that because I did not want to delay any more important business of the U.S. Senate.

Since we seem to be winding down, I will be glad to deliver that masterful speech this evening, and I am sure that the Senate will be hanging in the balance to see what the Senator from Nebraska is going to do in this particular matter. Then I suspect shortly thereafter we will adjourn.

I also want to assure the Senate that from the information that I have we will not be here tomorrow night. There are some things going on tomorrow night, and I am sure we are not going to be in session. Therefore, I only emphasize once again, Mr. President, the time is wasting. I will not waste any time in the U.S. Senate. I will give a fairly brief speech. Maybe I will just enter it into the RECORD so the people will know I was over here and interested in the proposition.

I want to move this Senate along on this matter. I did not know the President was leaving as early as Wednesday. I think that constrains us in time even more than I had anticipated. I think we have to get trucking.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I join in the hope and the thought that our colleagues will come over here, present their amendments, and make their speeches. We are ready to receive them. At this point I yield.

Mr. CRANSTON. I ask the Senator to yield just for a question.

As I understand it, most of the proposals that will come before us relate to the resolution of ratification and are not amendments to the actual text of the treaty. In fact, I do not know of any on this side of the aisle that are amendments to the treaty or in that form. Is the Senator aware of any on our side of the aisle?

Mr. PELL. I am not aware of any.

Mr. CRANSTON. I would like to appeal to the other side. We do not have any amendments that we are aware of on our side that are amendments to the treaty. I do not know how many there may be on the other side. There may be only those from one Senator. I wonder if it is possible to ascertain whether those who may have amendments on the other side could come now and bring them up. If there are none on that side, or none that anybody intends to go through with, we would be over the hump of the treaty, and could go on to the resolution of ratification.

Mr. LUGAR. Let me respond, if I may, to the distinguished Senator from California. We would have to make a check and ascertain whether that is the situation. Obviously, Senators were not aware prior to our colloquy now that we might come to this point this rapidly. I think it is apparent that the distinguished Senator from North Carolina does have additional amendments. He may not choose to call up all of them. He has some and whether they are to the text of the treaty as opposed to the articles of ratification we would have to ascertain. It is certainly a valid question.

I am pleased that we have progressed really as far as we have today. I think the dispensing of the reading of the treaty is a major triumph in terms of time, and the fact that we have engaged in a good debate, had a vote. And it seems to me we are centering now on the question the distinguished Senator is raising. So we will make that check, and are eager to move rather rapidly.

Mr. CRANSTON. I thank the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Rhode Island retains the floor.

Mr. SARBANES addressed the Chair.

Mr. PELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I would like to suggest, in addition to this effort to identify amendments, as to the text of the treaty that we dispose of that which would enable us to move on to the resolutions of ratification. I understand the point the distinguished Senator from California was making; to the extent we can, we get these opening statements, which Members wish to make, out of the way today and tomorrow so that part of the discussion has been addressed, and Members have had an opportunity to

make their general statement on the INF Treaty.

Then at least when we get to this other part, we can keep both of these tracks moving, is what I am trying to urge we need to do. I think it is very important that we do that. Otherwise, I can envision a situation in which we are dealing with amendments at some rapid clip, and Members also at that point are only getting in to make general statements in support or in opposition to the treaty. So if I can at least move one or the other, or both, while we are pending here I think it would be very helpful.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I am delighted that the Senator from Maryland made that point. I think it is very important to get the speeches out of the way so we can have Senate action.

I would simply add one point about why it is necessary to try to get the amendments up. Most of the amendments to the treaty have been dealt with in one way or another. Virtually all of the substantive proposals that are going to come before us have been drafted in the form of provisions to be attached, if the offeror has his or her way to the resolution of ratification. But we cannot get to the resolution of ratification until we are done with the treaty.

So those who do have any proposals that they wish to attach as amendments to the treaty should be urged to come now to do it so we can move on and let other Senators who would like to precipitate action on the floor now, but are foreclosed from doing so until we have dealt with the treaty, get to that opportunity.

Mr. SARBANES. Have we identified the amendments to the text of the treaty itself; in other words, the amendments that have to be out of the way in order to get to the resolution of ratification?

Mr. DOLE. Mr. President, if the Senator will yield, I say that on our side we are in the process of hotlining that right now. We are calling every Senator to see if they have amendments to the text.

Mr. SARBANES. I do not believe there are any amendments on this side to the text of the treaty, as I understand it.

Mr. DOLE. That is my understanding. There are on this side. There may be three Senators with amendments to the text. We are not certain. We are calling 46 Senators to make that determination.

Mr. SARBANES. Fine.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, today, I would like to spend a few minutes reviewing where we are with respect to the Senate's consideration of the INF Treaty and provide a brief historical perspective regarding the role of the Senate in the making and implementing of treaties with foreign governments.

The role of the Congress in the consideration and acceptance/rejection of treaties with foreign governments is as old as the Republic. Under the Articles of Confederation, treaties were actually negotiated by agents of Congress, since there was no executive to carry out this function, though any treaty entered into by Congress had to be consented to by 9 of the 13 States (two-thirds approval). When the Constitutional Convention created an executive branch coequal with the legislative, the appointed Senate was given the sole responsibility of considering treaties which had been negotiated by the President. This arrangement was a compromise between Charles Pinckney of South Carolina, who wanted the Senate to have sole responsibility for making treaties, thus preserving the power of the individual States to have an equal voice in developing foreign alliances, and Alexander Hamilton of New York, who wanted the President to have sole responsibility for negotiating foreign policy, although with the advise and consent of the Senate.

From 1789 until 1986, the Senate utilized a tripartite system for treaty consideration. Under rule 30 of the Standing Rules: First, the Senate would meet as a "Committee of the Whole" and act upon any proposed amendments to each article of the treaty, in sequence; second, the Senate would thereafter meet as the Senate and ratify any amendments which had been adopted by the Committee of the Whole, after which Senators would be free to offer and debate any additional amendments to any section of the treaty; and third, the Senate would consider the resolution of ratification, which would incorporate all amendments to the treaty's text previously accepted, after which Senators were free to offer and debate any reservations, declarations, statements, or understandings as amendments to the resolution of ratification (though no amendments to the text of the treaty could be offered). This scheme offered opponents of a treaty a nearly unlimited number of opportunities to offer and debate the same amendments. Therefore, in 1986, rule 30 was modified by Senate Resolution 28 (TV in the Senate) to eliminate the necessity for the Senate to sit as a Committee of the Whole.

Mr. President, from the submission of the first treaty by President Wash-

ington, there arose a dispute between the Senate and the President as to the ability of the Senate, in offering its advise and consent, to modify or eliminate particular provisions within the text of the treaty. In 1794, Washington sent the Jay Treaty (which averted war with Britain over the seizure of American ships) to the Senate for an up or down vote. Facing a threatened rejection of the entire treaty, the leadership allowed the Senate to suspend one article and the President acquiesced to this act of senatorial independence. In 1803 the Senate added an amendment to the proposed King-Hawksbury Convention with Great Britain. The British Foreign Minister complained strenuously but accepted the result. In fact, Senate amendments and changes to treaty texts had become such an accepted practice that, in 1868, the Senate adopted a ruling which authorized amendments upon a simple majority vote. The right of the Senate to modify or amend treaties was upheld by the Supreme Court in *Haver v. Yaker*, 76 U.S. 32 (1869).

As Senators are aware, there are four types of modifications to a treaty which can be offered and debated:

First. Amendments are actual changes to the text of the treaty itself. An amendment to the text requires the explicit consent of the other party to the treaty to be of full force and effect with respect to international law. In 1978, the Senate amended the Panama Canal Treaty on four occasions, each of which had to be formally accepted by the Government of Panama before the ratification of the treaty could go forward.

Second. Reservations modify or vary the legal obligation of either the United States or the other party from that contained in the text of the treaty.

There is some dispute as to whether a Senate reservation must be explicitly consented to by the other party before it can have the force of international law. In 1979, during committee consideration of SALT II, the staff of the Foreign Relations Committee apparently advised the committee that a Senate reservation would be binding upon the U.S.S.R. as long as the reservation was included in the instrument which was exchanged with the U.S.S.R. at the time of formal ratification. This position was disputed by, among others, several Yale Law School professors including Eugene Rostow (in a letter to Chairman Frank Church on September 27, 1979). Professor Rostow, and others, argued that international law was unsettled on this question and warned that there was no guarantee that silence by the U.S.S.R. to a Senate reservation meant that the U.S.S.R. would be bound by the provision (in official statements, the Soviet Government had said that reservations added by the Senate were internal matters for the United States only). Rostow pointedly argued that

reservations must be explicitly agreed to by the U.S.S.R.

The committee was persuaded by the Rostow argument. In drafting the resolution of ratification, the committee broke with precedent and authorized only three types of acceptable modifications: those which did not have to be formally communicated to the Soviets (previously termed "declarations"), those which required formal communication but did not require Soviet acceptance, and those which did require explicit Soviet acceptance (previously termed "amendments" or "reservations"). Because of the Soviet invasion of Afghanistan, the Senate never considered the SALT II Treaty and the three-part modification system developed by the Foreign Relations Committee was never implemented.

Third. Understandings are statements by the Senate as to its interpretation of a specific term in the text of the treaty. Understandings do not change the legal obligation of the United States under the treaty and serve only to clarify—not change—the meaning of a specific term. In 1986, the Senate added three "understandings" to the Genocide Convention. While some argue that there is a split of opinion as to whether an understanding must be communicated, only, or whether it must also be accepted by the other party before having the force of law, the Foreign Relations Committee is said to be of the view that understandings must both be communicated and accepted.

Fourth. Declarations bear a direct relationship to the text of a treaty without directly affecting its terms. The Senate may add a "declaration" as a statement of general policy or as a specific instruction to the President with respect to implementation of the treaty. There is general agreement that declarations need not be officially communicated to or accepted by the other party since they affect the United States only, do not affect the treaty per se, and have no effect on the other party at all.

Mr. President, after consideration of the various modifications offered by Senators to the text of the treaty, the Senate votes to offer its advise and consent to the resolution of ratification. Article 2, section 2, of the Constitution requires the affirmative vote of two-thirds of the Members present and voting to consent to ratification—adoption of the resolution.

If adopted, the treaty and the resolution are returned to the President. He may, one, agree to ratify with whatever modifications have been added, or two, he may reject the modified language and refuse to ratify the treaty. The Senate has no means to force a President to ratify a treaty which contains a modification which he finds objectionable. Where modifications are acceptable to the President but require the explicit acceptance of

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the other party, the President would have to either reopen negotiations or seek formal acceptance from the other party.

While it is true that the Senate has seldom rejected a treaty outright (between 1789 and 1978, only 16 of 1,772 international agreements submitted to the Senate had been rejected), conditions added by the Senate have, on several occasions, caused a treaty to become unacceptable either to the other party or to the President. A 1973 Department of State study showed that 38 treaties had failed to come into effect because of unacceptable reservations. Of those, the following were the most significant:

(a) the 1824 treaty with Great Britain to eliminate the slave trade was not ratified by Britain because of three major amendments, the most onerous of which was a provision which denied Britain the right to search vessels in American waters; (b) the Hay-Pauncefote Treaty of 1900 with Great Britain regarding British participation in the construction of an inter-ocean canal across Central America was not ratified by Britain because of the addition of three unacceptable Senate amendments; (c) the Arbitration Treaties of 1904 were rejected for ratification by President Theodore Roosevelt because Senate-added language had made the treaties a "sham;" (d) the 1911 Arbitration Treaties with Great Britain and France were rejected for ratification by President William Howard Taft because three amendments "sharply limited" the effect of the treaties; (e) the 1930 protocol to implement U.S. participation in the Permanent Court of International Justice (which had been adopted by the League of Nations in 1920) was rejected in 1935 because amendments which had been agreed to had made a two-thirds affirmative vote impossible; and (f) the 1925 Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War was not ratified by France in 1934 because of a reservation added by the Senate with respect to when the treaty would become effective for the United States.

Mr. President, after acceptance of the modifications by both parties and ratification by the President, disputes over conditions or terms between the parties are interpreted by the President. However, if the Senate, during consideration of treaty, included a specific interpretation in the resolution of ratification which was unambiguous and clear, the President is bound to honor that interpretation. According to the American Law Institute's "Restatement of the Law, Foreign Relations Law of the United States" (revised, 1985) at sections 314(d) and 326, ambiguous or unclear interpretations can be interpreted by the President as he deems appropriate.

For the Senate to successfully add modifications to a treaty or to give its interpretation to treaty terms, the Senate must have acted upon such modifications or interpretations during its consideration of the text of the treaty and the accompanying resolution. At the turn of the century, the Senate attempted to clarify the terms of the peace treaty which had ended

the Spanish-American War, after the treaty had been ratified. In *Fourteen Diamond Rings v. United States*, 183 U.S. 176 (1901), the Supreme Court rejected this attempt, via passage of a subsequent Senate resolution, to clarify certain treaty terms and held that "the meaning of the treaty cannot be controlled by subsequent explanations of some of those who may have voted to ratify it."

Mr. President, at this point, I would like to briefly turn to the INF Treaty itself. In my view, and in the view of a number of Members of the Senate, we have spent a substantial amount of time and effort on the review of this particular treaty. As we all recall, the President and the General Secretary signed the INF agreement on December 8, 1987. The signing of the treaty followed literally years of intensive negotiations with the Soviet Union. In fact, formal negotiations with the Soviets lasted for more than 7 years and even extended past the signing of the treaty itself as evidenced by the agreement between the Secretary of State and the Soviet Foreign Minister on the nine technical points this past week in Geneva. I can tell you that the negotiations were intensive and extensive. As one of the cochairs of the Senate Arms Control Observer Group, I am convinced, beyond a certainty, that the INF Treaty stands the test of being a good treaty, one which is verifiable, and one which is in our national interest to ratify expeditiously.

In discussing the 7 years over which this agreement was hammered out and in reflecting on the very active role of the Senate Arms Control Observer Group in these discussions, I do not wish, in any way, to give short shrift to the activities of the three Senate committees which shared jurisdiction over INF. In fact, the oversight activities of the Foreign Relations, Intelligence, and Armed Services Committees were, to say the least, exhaustive. Since the signing of the treaty on December 8, 1987, the Foreign Relations Committee held 22 days of hearings which included the presentations of 50 witnesses. In addition, the Intelligence Committee has held 20 hearings and has conducted 17 staff briefings for Senators. The Armed Services Committee held 29 hearings on INF. Since the Foreign Relations Committee favorably reported the resolution of ratification on March 30, 1988, additional committee hearings have been held and the Secretary of State has been required to return to Geneva to clear up several points of contention which have been raised by Senators. In my view, no one can argue that this review of the INF Treaty was anything less than absolutely thorough and exacting.

While reviewing the progress of the INF Treaty through its examination by the Senate, I was struck by the fact that in the 10 years between 1963 and 1973, the Senate agreed to six major

arms control treaties, five within 12 months of signing (the Limited Test Ban Treaty, signed August 5, 1963, approved September 24, 1963—under 2 months; the Outer Space Treaty, signed January 27, 1967, approved April 25, 1967—3 months; the Nuclear Non-Proliferation Treaty, signed July 1, 1968, approved March 13, 1969—9 months; Protocol II of the Latin America Nuclear Free Zone Treaty, signed April 1, 1968, approved April 19, 1971—3 years; the Seabed Arms Control Treaty, signed February 11, 1971, approved February 15, 1972—less than 1 year; and SALT I, signed May 26, 1972, approved August 3, 1972—2 months).

However, in the 10 years between 1974 and 1984, while five arms control agreements were approved, none was approved by the Senate within 1 year of signing by the President (the Biological Weapons Convention, signed April 10, 1972, approved December 16, 1974—1 year and 8 months; the protocol to the ABM Treaty, signed July 3, 1974, approved November 10, 1975—1 year and 4 months; the Environmental Modification Treaty, signed May 18, 1977, approved November 28, 1979—2½ years; U.S.-IAEA Safeguards Agreement, signed November 18, 1977, approved July 2, 1980—2½ years; and the Protocol to the Latin American Nuclear Free Zone, signed May 26, 1972, approved November 13, 1981—nearly 10 years). In addition, three of the most important arms control agreements ever negotiated with the Soviet Union, the Threshold Test Ban Treaty (sent to the Senate on July 29, 1976), the Peaceful Nuclear Explosions Treaty (sent to the Senate on July 29, 1976), and the SALT II Agreement (sent to the Senate on June 22, 1979) have never been approved by the Senate and to this day remain on the calendar.

Mr. President, the work the Senate has done on this treaty, as I said, is exhaustive. It has been in the finest traditions of the Senate. I am pleased to see that the Senate now is proceeding with the review of the treaty, and I hope that it will be in a position to give consent to the ratification of this treaty prior to the President's departure for Moscow to meet with the General Secretary of the Soviet Union.

Mr. President, the INF Treaty has been 7 years in negotiation and nearly 6 months in consideration by the Senate. This treaty is of major importance not only to the United States but also to our NATO allies. Just last week, Prime Minister Thatcher and Lord Carrington, who has been the head of the NATO organization, reiterated the absolute requirement that the INF Treaty be approved by the Senate before the President travels to Moscow at the end of this month. We can and must move forward on this agreement.

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I hope and pray that the Senate will fulfill that request by our NATO allies.

Mr. President, I intend tomorrow to continue a conversation concerning the efforts that were put forth in Geneva by our negotiators. I think the RECORD ought to show who was involved in this negotiation and the progress that was made in connection with the very long negotiation on this treaty.

A FIRST STEP TOWARD REAL ARMS CONTROL

Mr. LEAHY. Mr. President, when I first ran for the Senate in 1974, I was driven by a burning desire to do something to stop the mad nuclear arms race. I promised my family, my constituents, and myself I would make working toward that goal one of my top priorities in the U.S. Senate.

And, I have done that during my 14 years here. I worked for the ill-fated SALT II Treaty, I fought for the nuclear freeze, and for the last 5 years I have tried to keep an informal cap on nuclear weapons until a new strategic arms treaty can enter into force.

Today, I am at last able to do something that has eluded me all these years—I can fight on the Senate floor to give our consent to ratify a treaty to destroy an entire class of nuclear missiles.

As I have said more than once on this floor, the INF Treaty is a critical step toward a legally binding agreement to cut the vast, obscene arsenal of strategic missiles and bombers threatening the very existence of the American and Soviet people.

That is why I will be working as hard as I can on this floor to get this treaty approved, if at all possible before President Reagan goes to the Moscow summit on May 29.

As we debate this important, but relatively minor INF Treaty, I call on all Senators to remember that it barely scratches the surface of the more than 50,000 nuclear weapons in the United States and Soviet stockpiles.

The INF Treaty will get rid of about 2,000 deployed warheads on U.S. Pershings and ground-launched cruise missiles and Soviet SS-20's, and about another 1,000 warheads on shorter range missiles; nearly all on the Soviet side.

The main importance of the INF Treaty is that it represents a breakthrough in arms control:

For the first time, entire classes of missiles are to be destroyed.

For the first time, the production of entire classes of missiles will be prohibited.

For the first time, both sides have accepted onsite inspections to strengthen verification.

These are precedents of incalculable value for the future of arms control. Even 5 years ago few would have believed either the Soviet or United States Government would agree to such ground-breaking principles. They open the door to much more far-reach-

ing arms control steps in the strategic arms race.

Mr. President, the Senate has given this treaty extraordinarily thorough consideration and study. The Foreign Relations, Armed Services and Intelligence Committees have spent nearly 4 months in intensive review of it. All have found it to be verifiable, militarily useful to NATO, favorable to the United States and its allies, and in the best interests of this Nation.

I venture to say nearly every Senator has had his or her own private briefings on the treaty over these 4 months. This Senator certainly has. I have met repeatedly with the negotiators and other arms control experts. In January, I visited key allied capitals and NATO headquarters to consult with NATO political and military leaders about the treaty. I reported to the Senate on my discussions and findings on February 16. I ask unanimous consent that a copy of my report be included in the RECORD at the conclusion of my remarks. A summary of the results of my discussions is contained in an article I did for the Los Angeles Times on February 8, and I ask unanimous consent that it also appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, my meetings in Europe made crystal clear the intense desire of our allies that this treaty be ratified, ratified before the President goes to Moscow, and ratified without killer amendments or conditions.

If the Senate were to fail to consent to ratification, or even to delay significantly granting its advice and consent, we could create a very serious political crisis in the NATO Alliance, and in our relations with the Soviet Union.

However, if we complete our deliberations in a timely way, we will greatly improve the atmosphere for the Moscow summit and strengthen the chances President Reagan and General Secretary Gorbachev will make major progress toward a new treaty cutting strategic weapons by 50 percent. We will also reassure our NATO allies that the U.S. Senate will approve arms control agreements with the Soviet Union, and will demonstrate that an American administration can manage a stable relationship with Moscow.

These are goals of the most fundamental and last importance. They far transcend the useful but quite limited importance of the INF Treaty itself. By itself, the INF Treaty is almost a minor arms control step. In only a few months, we will replace with strategic warheads all the weapons we eliminate under the treaty. Unless we cap strategic weapons and begin drastic reductions, the INF Treaty will soon mean little or nothing.

So, Mr. President, the Senator from Vermont strongly favors Senate advice

and consent to ratification of the INF Treaty, and doing that in time for the President to go to Moscow with that in hand when he sits down with Mr. Gorbachev. I will fight against all attempts to delay or kill the treaty through the amendment process.

EXHIBIT 1

[From the Los Angeles Times, Feb. 8, 1988]

DON'T STAMPEDE NATO TO WIN INF CONVERTS

(By Patrick Leahy)

The Senate of the United States has begun hearings on the treaty signed in Washington last December by President Reagan and General Secretary Mikhail S. Gorbachev to eliminate all intermediate-range missiles from the superpower arsenals. The debate will be difficult and far-ranging. Some senators will try to impose conditions on the treaty that could make it unacceptable to the Soviets or even harmful to the NATO alliance.

To deflect such efforts by conservatives, mainly in its own party, the Administration may unfortunately plant the seeds of the next major security crisis in the alliance. It is already pressing for an alliance commitment to modernize short-range nuclear weapons, including extending the range of the Lance battlefield missile so that it will reach deep into Warsaw Pact territory, and arming NATO nuclear-strike aircraft with stand-off missiles.

The Administration understandably wants to show that removal of the intermediate-range missiles does not weaken NATO's nuclear deterrent, and to convince skeptical conservatives in the Senate that the alliance has the political will to deploy new nuclear weapons.

But in so doing, the Administration is pushing NATO, especially West Germany, where most of these nuclear weapons are based, toward a very dangerous controversy about nuclear deterrence.

I just returned from talks on the INF treaty with senior allied and NATO leaders and American officials in Europe. From those talks, three things became clear:

The allies solidly support speedy ratification of the INF treaty and would regard delay or ratification with unacceptable conditions a major political and military disaster for the alliance.

The most serious issue question facing the alliance is what its next steps should be to maintain a political and military equilibrium in Europe. There is as yet no agreement, and indeed there is deep concern that the United States may push its partners into divisive and highly visible debate over force improvements—above all, nuclear modernization—before they have time to build public support.

Despite political risks and financial constraints, our European partners are prepared to join us in improving conventional forces and even in carrying out some modernization of remaining nuclear forces. But they need to work out these decisions carefully, and in the context of an overall NATO strategy that combines further steps in arms control with force improvements.

Everyone in the alliance agrees that the next priority after the INF treaty is ratified is to conclude a START agreement cutting the strategic arsenals by 50%. Beyond that, there simply is no consensus on what to do next.

Several of the allies believe we should make negotiations on reductions in Soviet conventional-force advantages and a ban on all chemical weapons the next priorities of the alliance. They want a pause in any fur-

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ther moves on nuclear forces in Europe. The goal is a stable military balance at lower levels of both conventional and nuclear forces—not the denuclearization of NATO. Nuclear deterrence is an essential and integral part of NATO's flexible response strategy.

Our German partners have a somewhat different perspective on next steps. Most of the remaining nuclear weapons are on their territory—and more important, because of their short range most would explode on German soil if used. German public opinion is increasingly anti-nuclear. Thus, Germans from across the political spectrum believe that the alliance must move promptly into talks on the rest of nuclear weapons based in Europe.

Therein lies the extraordinarily sensitive alliance management issue facing the United States, to whom all the allies look for leadership.

What is called for now is restraint on all sides so that the alliance is not forced into a premature debate on what it should do next.

The Administration should not pressure the Germans to agree immediately to specific programs to modernize short-range nuclear systems. The Germans, for their part, should not seek to rush the alliance into talks on reducing short-range nuclear systems.

And, we in the Senate, as we debate the INF treaty, should avoid the political temptation to link ratification to any specific actions by NATO on force modernization or arms control.

NATO demonstrated to all that it has the will to carry out politically difficult measures when it implemented the alliance's 1979 decision to deploy INF missiles while seeking a solution to the arms race in Europe. Implementation of that strategy was a model of alliance cooperation, consultation and sensitivity to the special needs of its individual members.

Let's allow NATO the same time and deliberation it needs to work out a common strategy, under U.S. leadership, for its next steps. The alliance should not be stampeded by the short-term political needs of the Reagan Administration, of presidential candidates seeking the limelight or of senators trying to show "leadership."

NATO AND THE INF TREATY

Mr. LEAHY. Mr. President, in January I visited several NATO capitals to discuss the views of the allies on the INF Treaty. I was particularly interested in how they saw the treaty affecting NATO's capabilities to deter intimidation or aggression from the Warsaw Pact, its implications for the security tie between the United States and Europe, and what they believe NATO should do next. In many respects, the most important question relating to the INF Treaty is not the particular impact of the treaty itself, but what NATO's next steps in arms control and defense should be.

The central issues of the treaty impinge directly and immediately on the political and military solidarity of the Alliance, and the Senate has an obligation to understand fully what this treaty may mean to the long-term strength of NATO before it gives its advice and consent.

A full listing of my meetings in Europe is appended to this statement. Let me just state here that among my meetings were discussions with the British, Belgian, and Italian Foreign Ministers, the British and German Defense Ministers, and the Chief of Staff of SHAPE and his chief military assistants. In addition, I met with American Ambassadors in Britain and Italy, and our

charges in Germany and Belgium, as well as the United States Permanent Representative to NATO.

To avoid problems of confidentiality, I have not attributed statements or points of view to individuals. But, I have tried to reflect as accurately as possible the spectrum of opinion I heard from all these meetings.

It will be noted, Mr. President, that my meetings were in the four key countries hosting U.S. Pershing and cruise missiles, and the countries where virtually all remaining United States nuclear weapons in Europe are based. These are the countries most directly affected by the INF Treaty, and who will be integral to decisions the Alliance must make about a future where arms control is likely to lead to continued reductions of strategic and theater nuclear weapons.

This is a lengthy statement, Mr. President, so let me first summarize my conclusions.

CONCLUSIONS

The Senate must act promptly to ratify the INF Treaty, and do so without adding "killer amendments" that would cause the Soviets to reject it.

Senators should not in their zeal for NATO insist on adding conditions to ratification of the INF Treaty that would create serious political controversy and division in the Alliance. The more specific and binding the Senate is about measures it believes the Alliance must take in force modernization or arms control, the greater the problems it will cause the allies.

The INF Treaty is irreversible no matter what the Senate does. Politically, there is no chance that INF deployments could be resumed if the treaty is rejected. In fact, there is a strong probability that INF systems already deployed would have to be removed. If we are to avoid the Soviets retaining their SS-20's while NATO loses Pershing and GLCM, the Senate must give its advice and consent to this treaty.

Our allies are willing to make and carry out difficult decisions on force improvements, including modernizing short-range nuclear weapons, but should not be forced into premature, highly public debates. The United States, as leader of the Alliance, has an obligation to use the consultative machinery of NATO to reach decisions that take into account the special situations of each country.

The allies unanimously support prompt conclusion of a START Agreement. However, there remains a legacy of deep concern about long-term United States intentions in extending its nuclear umbrella over Europe. These concerns were exacerbated by the far-reaching goals announced by President Reagan at Reykjavik—complete elimination of nuclear missiles—and the absence of consultations with the allies about such goals. The damaging impact on allied confidence in the United States of the Reykjavik summit must not be underestimated. A challenge to American leadership is to allay these profound concerns so heedlessly stimulated.

There is no Alliance consensus on what to do next on arms control in Europe. There is support for moving on to talks on conventional force reductions—though an underlying concern persists that such talks could lead to potentially dangerous U.S. conventional force reductions. A serious disagreement among the allies is possible on whether, when and with what goals further talks on remaining nuclear weapons in Europe should begin. Unless managed skillfully by the United States, this potential disagreement could lead to the isolation of the Federal Republic of Germany over a core Alli-

ance security issue. This should not be allowed to happen, not with a steadfast ally like Germany.

In grappling with all these major issues about where NATO goes next, the present and successor administrations should look back to the model followed by the Carter administration in reaching NATO's December 1979 "dual track" decision. That step-by-step process successfully dealt with some of the most potentially divisive issues ever faced by the Alliance, and NATO came out of it stronger and more united than ever before. Above all, the allies should not be forced by the domestic political needs of an outgoing administration or individual Members of the Senate into premature decisions on such profoundly important security questions.

TREATY RATIFICATION

There have been some claims by treaty opponents that our allies, all of whom have formally endorsed the INF Treaty, were pressured by the Reagan administration to support it against their private inclinations. According to this claim, the allies are appalled at the zero option outcome, never expecting the United States would actually agree to remove all INF missiles from Europe. The theory goes on that the allies really wanted an agreement that left a clear, though reduced, capability based in Western Europe to strike into Soviet territory. This line of argument says the allies would have preferred an INF Treaty closer to the so-called walk in the woods proposal of 1984. Senators will recall that this proposal by Ambassador Paul Nitze would have left each side with 100 INF missile warheads.

Let me first state emphatically, Mr. President, that none of the allied foreign or defense ministers or NATO military officers with whom I spoke voiced any reservations whatsoever about the urgency and importance of ratification of the INF Treaty. They professed astonishment that anyone in the United States would make such claims. All stressed emphatically that the treaty should be ratified without conditions that would make it unacceptable to the Soviet Union. So far as I can tell from extensive discussions with the British, Belgian, German and Italian foreign and defense ministers or senior ministry officials, as well as top NATO military leaders, the Alliance unanimously wants prompt ratification of the INF Treaty, and would regard delay, defeat or derailment through unacceptable conditions a political and military disaster for NATO of very great magnitude.

So there can be no misunderstanding, I will repeat, Mr. President. Our allies want the Senate to give its advice and consent to the President to ratify the INF Treaty promptly and without conditions which would force a renegotiation of any portion of the agreement.

That said, Mr. President, I will also tell my colleagues that there are some influential figures among our allies who are not unreservedly happy with the complete removal of the INF missiles. Through the early 1980's the allies withstood intense political pressure in allowing these missiles to be based in their countries. They did so because NATO concluded in 1979 that it needed a capability in Europe to launch nuclear retaliation deep into the Warsaw Pact, including into Soviet territory, as part of the strategy of flexible response. Under that strategy, the Alliance must have a full range of capabilities to respond to any level of Warsaw Pact aggression from the conventional through the theater nuclear up to strategic nuclear war.

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It seemed clear to me that at least some allied leaders wish that the outcome of the negotiations had been partial removal of the INF missiles, with a core deep strike missile capability remaining to maintain the deterrent credibility of flexible response. On the other hand, a cardinal principle of the Alliance is shared burdens and shared risks, and this principle would have been hard to maintain with an INF force cut to only 100 warheads. As a practical matter, these residual warheads would have had to have been concentrated in one or two countries, with possibly severe political problems for those countries being so singled out.

However, no allied leader with whom I spoke argued that the INF Treaty was disadvantageous to NATO, and all urged its prompt ratification. Almost all did say that the INF Treaty, by itself, means little from a military or arms control point of view—though they stressed its great political importance—and must be complemented soon by a strategic arms reduction treaty. Otherwise, the Soviets will quickly replace SS-20 warheads with more strategic missile warheads, as on the SS-25.

NEXT STEPS IN FORCE IMPROVEMENTS AND ARMS CONTROL

All allied leaders with whom I spoke pointed to remaining NATO deep strike forces, primarily dual capable aircraft, as preserving for the alliance the capability to present to the Soviet Union a credible risk of nuclear attack from within Europe. However, most conceded dual capable aircraft do not present the same deterrent risk as missiles. NATO's flexible response strategy remains fully valid, but the Alliance does need to examine thoroughly and systematically what further measures, both in arms control and in defense improvements, are needed to maintain high quality deterrence in the INF Treaty era. All accepted the obvious point that elimination of INF highlights Soviet conventional force advantages, but several emphasized that these Soviet advantages are not nearly as pronounced as many, especially in the United States, like to claim.

In all capitals, I found the allies willing to consider in the NATO framework what additional force improvements may be needed. All reaffirmed the 1983 Montebello decision that NATO should modernize its short range nuclear systems. All expressed a willingness to look at conventional force improvements. But, Mr. President, it was made very clear to me that the allies do not want to be stampeded into a public debate over what specific steps each country should take in force improvements. Even as I was in Europe for these meetings, I saw evidence why our allies should feel these concerns. There were press reports of senior administration civilian officials and U.S. military leaders talking about the importance of NATO deploying an extended range Lance missile. Of introducing a standoff nuclear missile for use on dual capable aircraft, and of upgrading the large NATO nuclear artillery force. There was a perception in Europe that the administration is already trying to push key allied countries toward early decisions on specific modernization programs before NATO has worked out a combined action plan for its next steps in force improvements and arms control—and before the allies have had an opportunity to work out a political consensus in their own countries about how to proceed.

The allied leaders with whom I spoke were invariably polite. But it was quite clear to me that underneath their courteous phrases were real concerns that the administration, in its need to demonstrate "strength" during the INF Treaty debate, will press

them on modernizing short range nuclear forces. Also, frankly, I think they are worried that their friends in the Senate, in their zeal to show Alliance security is not compromised by the INF Treaty, may try to add conditions about NATO nuclear and conventional force modernization and improvements to the treaty. The more specific and binding these Senate conditions, the more problems they create for our allies.

I am confident, after these discussions, that all our allies are prepared to do what is necessary, within the political and fiscal realities of each partner, to maintain the strength and cohesion of NATO and the validity of Flexible Response. But, they want to use the NATO consultative machinery to work out specific steps, with due regard to the special sensitivities and political conditions of each country. The allies definitely do not want the Alliance consultative mechanism shortcircuited—as it disastrously was at the Reykjavik Summit. Nor do they want to be forced into a highly controversial public debate over specific force modernization measures, as they were during the neutron bomb fiasco.

Mr. President, let me interject a personal observation here. My sense from these conversations and from a broader acquaintance with NATO, one that I fostered over my 14 years in the Senate, is that politically and financially our allies cannot afford to do major things in force improvements—conventional or nuclear. They face many of the same fiscal and economic problems we do, and realistically they are not going to significantly expand defense spending, for that matter is the United States. Therefore, the more we claim NATO is at severe disadvantage in certain kinds of forces and the more we insist great efforts are needed to rectify imbalances, the more we foster perceptions of weakness. This simply undermines Western will and solidarity. It will not, whatever the doom and gloom crowd may think, stimulate our allies into greater defense efforts.

Therefore, Mr. President, during the INF Treaty debate and afterward, I hope the administration and individual Senators will keep calls for NATO defense efforts reasonable and within the bounds of political and fiscal reality. Let us not set up the Alliance as weak, when it is immensely strong, and let us not call for spending and deployments we will not accomplish.

The same concerns hold for the arms control dimension of NATO's overall political and military strategy for maintaining stability in relations with the East. Just as there is as yet no clear consensus among the allies on the question of precisely what force improvements to undertake, when and by whom, so there is no agreement on what to do next on arms control.

All those with whom I spoke were united in urging rapid conclusion of a START agreement reducing strategic offensive forces. That is the logical priority after ratification of the INF agreement. Allied leaders were clear that the INF agreement, while it is primarily important for political reasons, will be militarily meaningless without strict limits on Soviet strategic forces. Otherwise, as I noted earlier, the SS-20 warheads the Soviets will eliminate under the INF Treaty will be easily replaced by additional strategic ballistic missile warheads, such as the SS-25's.

Beyond that, there is no unanimity of view on what NATO's arms control priority should be. Most told me they strongly favor making major asymmetric conventional force reductions by the Warsaw Pact NATO's next goal. Others said they would add a ban on chemical weapons—to eliminate what some feel are significant Soviet advantages—though many conceded there

are serious verification problems with verification of a chemical weapons ban.

Most allied leaders told me they wanted no further steps by NATO on its remaining theater nuclear arsenal. They believe INF and START treaties are as far as the Alliance should go in eliminating or reducing nuclear weapons, at least for now. They emphasized time and again that nuclear weapons are an integral part of NATO's deterrent strategy of Flexible Response, and the Alliance must take care to deflect the longstanding Soviet goal of the denuclearization of Europe. This would leave Western Europe naked before Soviet and Warsaw Pact conventional force advantages. "Decoupling" or the withdrawal of the American nuclear umbrella from Europe remains a nightmare to all our allies.

However, Mr. President, German leaders across the political spectrum, as well as opposition party figures in Britain—argued to me that NATO must move promptly to negotiations on short or battlefield range systems, of which NATO will retain well over 4,000 even under the INF Treaty. Most insisted the goal should not be a "third zero,"—elimination of all remaining nuclear systems in Europe. The aim should be reductions in short range nuclear systems to equality at some lower number (the Soviet Union is variously estimated in public literature to have some 6,000 short range warheads in Europe).

Our German friends, certainly the Government, share absolutely the position that NATO must retain nuclear weapons. However, antinuclear sentiment is extremely strong in Germany, and the German Government must be sensitive to pressures to go beyond the INF Treaty. Most of the remaining NATO nuclear arsenal is based in Germany, and if ever used, most would explode on German soil. German interest in negotiations on short range nuclear systems is understandable, and the Alliance has an obligation to consider the German point of view carefully.

THE CONSULTATIVE PROCESS AND THE CHALLENGE TO NATO

Allied leaders were highly complimentary of the Reagan administration's use of NATO consultative machinery during the INF negotiations. I heard no concerns expressed about the ability of the allies to present their views on the negotiations and to have them taken into account in the formulation of U.S. positions. There were some concerns expressed about the rapidity of the negotiations in the closing phases. It seemed to me that some allied leaders felt that the administration's initial proposal for a zero option in Europe was not serious, and the allies were somewhat surprised at the Soviet acceptance of the zero outcome. However, the allies all indicated they had had ample opportunity to consult with the United States during the negotiations, and all declared the zero-zero result was acceptable to them (although, as noted earlier, some said the zero-zero outcome did create new problems for the Alliance).

Much more serious concerns were voiced about indications the administration may pressure the Alliance to make quick decisions about specific conventional nuclear force modernization actions, and about what to do next in arms control. One allied leader was quite blunt in criticizing actions by the administration that circumvent established NATO consultation and decision-making procedures. All allies told me they want NATO to study next steps very carefully, making full use of Alliance mechanisms. Insofar as it is possible, they want to address issues of force modernization—and

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even arms control steps—out of the public limelight. They reminded me how well the process leading to the December 1979 dual track decision worked and said we should use the same model.

Specifically, the Germans fear the administration is going to spark a highly visible debate on modernizing and extending the range of the Lance battlefield missile, on deploying a tactical air launched missile on dual capable aircraft, and on modernizing NATO's nuclear artillery. The Germans are not ready for such a public debate, which would be highly divisive in their country. They need to make use of the NATO consultative machinery to deal with the issues of nuclear—and conventional—force modernization. Some spoke of using the consultative process to work out a new "dual track" strategy of short range nuclear modernization in the framework of a new nuclear arms control proposal.

In most meetings, allied leaders spoke of their shock at the President's actions at the Reykjavik summit, where he appeared to jettison 40 years of NATO strategy of integrating nuclear weapons into its overall deterrence posture. They said nothing in recent years had "jolted" them so much as this evidently casual, almost offhand agreement by the President to pursue the goal of a complete elimination of nuclear missiles. The damage of the administration's conduct of the Reykjavik summit should not be underestimated.

As an interesting demonstration of how closely the allies follow developments here, several times allied leaders raised the study by Dr. Fred Ikle and others entitled "Discriminate Deterrence." They saw this study as another bit of evidence, together with the Reykjavik summit, the zero/zero option, star wars, and other strategic actions of the Reagan administration, of a gradual loosening of the U.S. commitment to nuclear deterrence in Europe. They fear the United States is looking for ways to reduce the risk of nuclear war beginning in Europe and spreading to the intercontinental level—or conversely, that the United States is looking for ways to confine any nuclear exchange to Europe, sparing the American homeland. I sought to reassure them on this point, referring to the Ikle study as a classic example of the many "file and forget" papers that are done by our strategic community. Nevertheless, to have this study raised with concern is a needed reminder that the allies study our actions in much the same way as our kremlinologists or sinologists "read the tea leaves" to try to predict future directions of Soviet or Chinese policy. We ought to be more aware of how such essentially peripheral exercises feed into allied anxieties about where we may be going in security policy.

SCHEDULE OF MEETINGS

The following is a list of my meetings on INF and related issues in Europe. I also had a separate schedule of meetings with EEC and host country officials on agriculture trade matters, which will be dealt with in a separate report.

LONDON

Ambassador Charles Price, U.S. Embassy.
DCM Ray Seitz, U.S. Embassy.
Alexander Vershbow, U.S. Embassy.
Sir Geoffrey Howe, Foreign Secretary.
George Younger, Minister of Defense.
Gerald Kaufman, Labor Party Foreign Policy Spokesman.

BRUSSELS

DCM Ronald Woods, U.S. Embassy.
Alexander Leibowitz, U.S. Embassy.
Leo Tindemans, Foreign Minister.

Ambassador Alton Keel, U.S. Mission to NATO.

Political Adviser Robert Gray, U.S. Mission to NATO.

John Kornblum, U.S. Mission to NATO.

Steven Geis, U.S. Mission to NATO.

General Robert Reed, Chief of Staff, SHAPE.

Donald Gelber, Political Adviser to SACEUR.

General Lutz Moek, Deputy Chief of Staff, Operations.

Admiral Florenzo Rosso, Deputy Chief of Staff, Support.

General Michael Nelson, Asst. Chief of Staff, Operations.

Air Comm. John Willis, Chief, Special Weapons Branch.

BONN

DCM James Dobbins, U.S. Embassy.

Felix Vargas, U.S. Embassy.

Manfred Woerner, Defense Minister (and soon to be Secretary General of NATO).

Helmut Schaefer, State Minister for Foreign Affairs.

Voker Ruehe, CDU Foreign Policy Spokesman.

Willy Wimmer, CDR Defense Spokesman.

Ortwin Lowack, CSU Foreign Affairs Spokesman.

Karl Lamers, CDU Arms Control Spokesman.

Michaela Geiger, CSU Spokesman on U.S. Affairs.

Dr. Werner Hoyer, FDP Defense Spokesman.

Dr. Horst Emke, SDP Foreign Policy Spokesman.

Dietrich Stobbe, SPD U.S. Affairs Expert.

Dieter Boden, FRG Foreign Service, aid to Dr. Emke.

ROME

Ambassador Maxwell Rabb, U.S. Embassy.

DCM John Holmes, U.S. Embassy.

John Tefft, U.S. Embassy.

Giulio Andreotti, Foreign Minister.

Giuseppe Pisanu, Undersecretary of Defense.

Finally, Mr. President, I also wish to take this opportunity to commend the majority leader on the new schedule that we have. There has been a great deal of interest in Vermont on the INF Treaty and other matters pending here. Usually, I would only be able to travel to Vermont on weekends. Last week, however, I was able to schedule meetings all over the State to discuss not only the trip that the leader was having, a trip that was carried prominently and clearly in the Vermont press, but also to discuss my trip and the legislative calendar.

Everywhere I went, Mr. President, throughout the State, I heard over and over again from Vermonters, ranging from schoolchildren to senior citizens, that they were delighted to see we actually had a schedule which enabled them to hear from us directly. I hope that Senators will cooperate with the leadership in making this new schedule possible.

Mr. BINGAMAN. Mr. President, as we begin debate on the INF Treaty, I would like to bring to the attention of my colleagues in the Senate an insightful report authored by Dr. Louis Rosen of Los Alamos National Laboratory.

Dr. Rosen is well known to my colleagues on both the Energy and Armed Services Committees. He is one of this Nation's most distinguished nuclear physicists and his career at the laboratory spans over four decades. Currently, he is a senior fellow at the laboratory and devotes the majority of

his time to the work of the Center for National Security Studies.

Dr. Rosen's work on nuclear and particle physics has brought him in contact with the leading Soviet scientists in these fields for more than 30 years. He has visited the Soviet Union frequently over the last 25 years and as a result he has gained a unique perspective on Soviet technological and political developments that I believe is worth the attention of my colleagues.

In his report dated February 12, 1988, Dr. Rosen analyzes General Secretary Gorbachev's apparent agenda, the constraints on Gorbachev's ability to pursue that agenda and the opportunities and dangers for the United States and our allies in a variety of areas, including arms control and scientific and cultural exchanges.

Mr. President, I commend Dr. Rosen's penetrating report to my colleagues. I ask unanimous consent that Dr. Rosen's article be inserted in the RECORD directly following my remarks. I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UPDATE ON "PERCEPTIONS ABOUT THE U.S.S.R. FROM THE STANDPOINT OF INTERNATIONAL SECURITY"

(By Louis Rosen)

I. INTRODUCTION

A short essay with the above title, based on visits to the USSR over a period of 25 years, was written last year following my third visit in as many years to that nation.¹

During November of 1987 I again traveled to the USSR, this time as a participant in the 10th meeting of the U.S.-USSR Joint Coordinating Committee on the Fundamental Properties of Matter. Our formal meetings took place in Yerevan, but our delegation spent several days in Moscow and I was graciously granted my request to spend one day visiting the meson factory project at Troitsk. I also enjoyed the opportunity of meeting with Serguei Kapitsa and concluding arrangements for him to visit LANL, a visit which had already been approved by DOE, but not yet by the appropriate Soviet bureaucracy. However, I was encouraged by the fact that academician Velikhov, to whom Kapitsa is deputy for arms control, and who provides advice to General Secretary Gorbachev, was favorably inclined to the proposed visit.

Following my meeting with Kapitsa in Moscow, the remaining barriers to his visit were expeditiously surmounted and, within three weeks, we welcomed him at Los Alamos. We had discussions on arms control and on particle accelerators, in which field he is an expert. He presented a seminar on the latter topic and an open colloquium on the former. Both were well attended and well received. In short, the visit was remarkably successful in permitting an in-depth exchange of views under reasonably relaxed conditions and without acrimony. The gist of Kapitsa's thesis was that no developments in technology will, by themselves, lead to international security. There must be a dramatic change in thinking if the world is to be spared destruction by modern technology; and that thinking must encompass all major societal problems.

¹ Published as a CNSS Brief, August 7, 1987.

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In the light of the just-concluded, but not yet ratified, INF agreement, it is timely to compare promises with performance since the advent of Gorbachev's leadership, and to further explore the opportunities and risks that glasnost and perestroika present towards progress on arms control, which I broadly define as any activity which decreases the probability of major world conflict without jeopardy to either our values or our national security.

II. CONCLUSIONS FROM PREVIOUS VISITS TO THE U.S.S.R.

In the essay to which I referred above, my major conclusion was that, following my first visit to the USSR subsequent to Mikhail Gorbachev's rise to power, I left with the firm conviction that the new leadership is finally convinced that world domination, by any nation, is no longer a rational goal; and that they are now more determined than ever before to seek meaningful accommodations with the west, including military agreements, which are verifiable and of such transparent advantage and low risk to both sides that they can receive very strong popular support in the east and in the west. The immediate goal of the USSR is to enjoy military security at much less cost in order to improve the civilian industrial economy and the standard of life of its citizens. It is now officially and openly acknowledged by the Soviet leadership that the USSR industrial plant, its agriculture, its health care system and its administrative infrastructure have for decades been in a state of accelerating deterioration. Soviet successes in space, in military hardware and in heavy industry have been achieved through enormous sacrifice and with high penalty to the rest of the economy. They desperately need respite from the arms race. To achieve that they appear willing to make major concessions to the west.

III. GORBACHEV'S APPARENT AGENDA

The changes now taking place, or promising to take place in the Soviet Union, did not all originate with General Secretary Gorbachev's ascension to power. They have been evolving since Khrushchev succeeded Stalin. Already in the 1950s it appears that the Soviets were becoming convinced that an attack from the west was not very likely. At one time they appeared determined to achieve nuclear superiority, but this went away in the 1960s. In the 1970s they made an about-face on defense against strategic missiles and in the 1980s they scaled back their missile production plans. But perhaps the most significant clue to changes in Soviet thinking came 10 years ago when Gen. Sec. Brezhnev said, in an open forum, that nuclear superiority is "pointless" and that it is "dangerous madness" to talk of victory in a nuclear war. He postulated that nuclear sufficiency is adequate. Gorbachev has extended this thinking to the concepts of "minimal defense" as distinguished from "overwhelming superiority" and "mutual security" as distinguished from "unilateral security."

On the political side, the past 25 years have witnessed the gradual abandonment by the Soviets of the dogma that major war between east and west is inevitable. In his book, "Perestroika," Mr. Gorbachev explicitly states that the Soviet Union envisages only peaceful competition with the West.

But Gorbachev is the first to clearly and publicly articulate, in almost Churchillian prose, the past terrible excesses of the Soviet government, the severe problems facing the Soviet Union and the dramatic changes which will have to occur to alter the situation. At the same time he is encouraging a more accurate picture of the west-

ern world to be portrayed in the Soviet Union.

Most of Gorbachev's solutions, and probably the most difficult to implement, involve internal changes. But the resources to accomplish major improvements in standard of living will be impossible to assemble without major reductions in the human and material resources allocated to weaponry, especially high technology weaponry. And herein resides the opportunity to start the process of reducing, worldwide, the level of armaments (nuclear and nonnuclear), thus releasing resources to improve the quality of life worldwide. Gorbachev has not yet adequately addressed the deeper question of how one can achieve the trust and understanding which are essential if agreements are to be binding and lasting.

My scientific colleagues in the USSR are completely persuaded of Gorbachev's sincerity. They share his vision of a USSR which is more open than in the past and in which one relies far less on secrecy for internal stability and external security. He also envisions a work force less prone to alcohol abuse, more productive, more innovative, more attuned to the benefits of high technology and higher levels of production of quality merchandise. Gorbachev ostensibly favors reduced military competition in favor of increased economic competition. Gorbachev maintains that universal security demands the "unconditional observance of the United Nations Charter and the right of peoples to choose, themselves, the roads and forms of their development, revolutionary or evolutionary." He further says "the world cannot be considered secure if human rights are being violated." He appears eager to relegate to the United Nations a much greater and more central role in dealing with world problems, especially violent conflict. He also firmly and unequivocally advocates greater international cooperation against terrorism.

Although historically the Soviet Union has placed the economic security of its citizens ahead of their human rights and industrial efficiency, Gorbachev seems to be backing away from that ordering of priorities. He is advocating an expansion of free enterprise and stronger coupling between supply, demand, costs, and profits. He is advocating far less centralized control of production and more opportunities for local work forces and local management to determine operational goals and procedures, plant upgradings, and production goals. He is even accepting the necessity for some unemployment as inefficient and/or unnecessary factories are converted or closed down. Implementation of many of these reforms is now mandated by law. However, that does not guarantee it will actually happen in practice as well as in theory. In some ways any bureaucracy, and especially the communist bureaucracy, can function outside the law.

On the international scene, Gorbachev has proved to be a master at public relations. The public identifies with his vision of a world free of nuclear, chemical, and biological weaponry and with major reductions in conventional forces. He espouses the non-interference of great powers in the internal affairs of other nations, such as the Soviet involvement in Afghanistan, which my Soviet colleagues told me he strongly opposed.

All of the above represent enormous changes for a nation of 280 million people with a history of 1,000 years of authoritarian rule. What is the probability that these changes can be implemented, and if they are, will they contribute to international security? What risks do they pose for the west generally and the U.S. specifically? What if

Gorbachev cannot achieve his announced goals? Will he fall and, if not, what will be his fall-back position? I shall address below some facets of these crucial questions.

IV. WILL THE USSR EVOLVE SO AS TO IMPROVE THE WELL-BEING OF ITS CITIZENS WHILE ENHANCING INTERNATIONAL SECURITY?

Whether or not Gorbachev's visions can be realized depends, in first approximation, on whether he can retain power for a number of years without retreating from his goals. In the Soviet Union, at least among the people I know, Gorbachev is seen as a brilliant tactician as well as a tough and visionary leader. He is superb at public relations and his goals have the ring of honesty and achievability. But are they in fact achievable? I give some example problems.

I was told by a number of colleagues that glasnost is not the absolute good it may appear to be. For example, it is now more difficult for Institute Directors to establish overall priorities. The Soviet meson factory, which I visited, is now six years behind schedule. Although the past year has seen unusual progress and all accelerating structures and power supplies are now in place, they have yet to start tuning the accelerator. The reason is that electrical power and cooling water are not yet available. These services are not under the control of the scientific director who must negotiate with his political counterpart and the labor unions on the allocation of resources. Worker housing and cafeteria services compete with cooling towers and beam lines. Glasnost, as now practiced, provides a recognized voice to all elements involved in a given enterprise, and this can be debilitating to progress.

Glasnost appears to be potentially counterproductive in other ways. Previously the views of extreme political activists did not have access to news media. Now they do. So one sees virulent racist "letters to the editor." Antisemitism, in particular, is now openly advocated. The Soviet Union has proceeded vigorously towards a nuclear energy economy. However, first Chernobyl and now glasnost are spawning serious opposition to the construction of nuclear power plants, and this could be very damaging to the Soviet economy. Nonetheless, essentially everyone with whom I talked, strongly supports Gorbachev and his policies, especially glasnost. It is asserted that, without glasnost, the Soviet leadership will find it almost impossible to achieve credibility internally or externally.

According to most of the people with whom I spoke, the greatest problem which the new Soviet leadership faces is one of credibility. Why is this?

It would appear that many Soviet citizens, perhaps even a majority, now recognize that, on the economic front, Marxism-Leninism simply has not worked beyond providing a modicum of economic security, in exchange for a substantial measure of individual freedom. It has long been an open secret that Soviet governance institutionalized on infrastructure of deceit, unachievable promises, and outright falsehoods, protected by a veil of secrecy which was enforced by intellectual and physical coercion. The full revelation of Stalin's purges and orchestrated famines started to come to light under Khrushchev but is only now publicly acknowledged and universally understood. But the corruption and excesses of the bureaucracy and the contrived external threats, did not cease with Stalin's demise. Incarceration of political prisoners in asylums, anti-religious crusades and suppression of dissent and criticism has continued as part of the pattern of life in the Soviet Union, although

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with decreasing intensity as the years since Stalin's death increased in number.

Only now is corruption and inefficiency in the Soviet system of governance openly discussed, along with the vast resources being allocated to military purposes. This is seen to be at the expense of the civilian economy. Only with Gorbachev has come the public revelation that the Soviet economy has seldom moved in the way that has been projected year after year for 70 years. The Soviet people have now been told that previous leadership has been less than candid, as a matter of government policy. These revelations, together with the short supply and inferior quality of almost all consumer goods, plus the long lines separating the buyer from even these, produce an environment of skepticism and cynicism. So why should they believe a new leader, charming and eloquent though he may be, when he tells them that from now on they will know what is happening, that there will be openness in government and foreign relations, that they will have more say over their working conditions and, eventually, access to more and better quality merchandise? Nor is that all. Gorbachev is also telling the Soviet citizenry that, in order for his promises to be fulfilled, they must work harder and more efficiently and start paying more for the essentials of life so as to reduce the huge government subsidies for food, housing, and transportation. (Other amenities, including education and health care are provided without direct charge to the recipient.) Even the treasured job security appears no longer to be sacred.

Most of Gorbachev's promises for a better life have been heard before, but they always got lost in the enormous bureaucracy which is the Soviet Union. But Gorbachev is moving to change that central feature, as well as the obsession with secrecy. And these promised changes are subject to observation and verification by the populace. They, in fact, appear to be occurring even as this essay is being written.

But suppose the situation does not improve significantly; or suppose Gorbachev is deposed. Will the system revert to the tyranny and terror of former years, with punishment for those who supported the reforms? Nobody, of course, knows. But the way the general public answers the above question will determine whether Gorbachev's program has a chance to succeed.

The above are not the only problems Gorbachev inherited. A major one is the overgrown, inefficient and self-serving bureaucracy. He is proposing to prune it back drastically and this will not be graciously accepted. Some elements of the military will doubtless object to a reduction in size and number of major elements. A liberalization and opening up of society implies constraints on the KGB. Nobody would hazard a guess as to how this will play.

In order to effectively address internal shortcomings, as above cited, the Soviet leadership is now moving to decrease its foreign commitments as well as its national security requirements. Domestic affairs are driving foreign policy. It is these domestic problems, plus the spectre of another high technology weapons race, in the guise of SDI, which are probably mainly responsible for bringing the Soviets back to the bargaining table in Geneva, and which prodded them into the concessions which resulted in the INF Treaty. This is not to imply that the Soviets do not see it in their interest to reduce the probability of global warfare. Self-preservation is a global instinct and the people of the USSR understand, better than most, the rigors and horrors of war.

I have written, at some length, of the factors working against Gorbachev and his cur-

rent policies. There is, obviously, another side. The major factor in his favor is the broad recognition that things cannot, for much longer, go on as in the past. Change must occur. A very major source of support for Gorbachev and his policies comes from the intellectuals. Their numbers are small, less than 10% of the population, but they have disproportionate influence because of their access to and involvement in the mass information media, and they have the respect of a substantial part of the population. However, not all intellectuals are unequivocally pro-Gorbachev. For example, some are not comfortable with the length (not the content) of some of Gorbachev's speeches; and with the prominence enjoyed by Raisa, because that is not in Russian tradition.

As previously indicated, Gorbachev's immediate and primary challenge is to improve the standard of life in his country. He, in contrast to previous leaders, argues that this cannot be done by simply mandating it and appealing to altruism and nationalism. He asserts that such improvement requires incentives in the workplace, freedom of information, freedom of thought and utilization of advanced technology. Can these changes be implemented by a system of government which has traditionally imposed need-to-know as a "modus operandi?" In addition many Soviet citizens are uncomfortable with *glasnost* not only because it may expose them to jeopardy in the future, but also because it is contrary to their history and traditions. It is a curious fact, but I am told that most Soviets feel comfortable with the government making decisions for them. Perestroika conjures up even more suspicion than *glasnost* because, in the past, it has often involved reorganization which imposed more constraints and more hardships in the daily life of the Soviet citizen.

Gorbachev professes an unshakable belief in communism and we must assume this is so. After all, his grandfather was an active member of the communist party and Gorbachev rose to power within the system. The current and general disillusionment with the system is both a help and a hindrance to him. It is a help because it mandates change. It is a hindrance because of the loss of credibility. But it may help him to redefine the system. It is hard to see how he can avoid that. He is, after all, the first communist leader to publicly recognize and advertise the deficiencies of the system and to offer a program for their correction.

The opportunities for the west reside in the circumstance that in order for Gorbachev's program to work, he must garner major resources from somewhere. The biggest opportunity resides in the military budget. Superficially it might appear that the military budget in the USSR is simply not a sufficient fraction (~15%) of their gross national product to yield the kind of savings that are required. But fraction of GNP can be misleading. The reason is that, unlike in the U.S., the military has first call on quality of materials, people, and production facilities, as well as hard currency. When one is concerned with innovation and creativity and high technology generally, "quality" can have an enormous impact. Even in the U.S. many feel that our position in the world marketplace is seriously encumbered by the diversion of scientific and engineering skills, as well as capital, from investments in new industrial initiatives, including, for example, process technology. In the USSR this effect is enormously amplified.

The present enthusiasm of the Soviet leadership for an end to the cold war is not diminished by the fact that some constituent republics in the USSR, especially in Asia

and the Baltic area, are even less happy with their status than in the past—a situation which is not only uncomfortable but potentially dangerous. *Glasnost* automatically serves as a vehicle to reveal other polarizations in Soviet society—none more serious than that between the extremes of the political spectrum. The extreme right has yet to denounce Stalin. If one now adds the dedication to superstition among large segments of the population, the unraveling of family coherence, which has always been strong in Russia, rapidly increasing divorce rates, the erosion of respect for the law and the low birth rate in the European part of USSR, which part sets the tone and agenda for the whole nation, one can begin to appreciate why the Soviet leadership does not need arms races and external involvements at this stage in their history. The above problems did not emerge suddenly and without warning. Already ten years ago, a Soviet colleague showed me an editorial in Pravda addressed to unwed women. They were told that they need not forgo the joys of motherhood just because men are scarce and they have no husband. When one considers that Russia has traditionally been a puritanical society, one can appreciate how serious must be the birthrate problem in the European part of the USSR.

Gorbachev has set out to "computerize" the Soviet Union. He has entrusted this task to Academician Velikhov. But there is opposition. It comes from the bureaucrats who worry that computers will make it easier to discover what they do and how poor is their performance; and it comes from the far right who oppose computer language on ideological grounds, as a way to subvert Russian culture. On the more prosaic side one might ask whether it is feasible to computerize a society which proscribes telephone directories and street maps in its capital.

I have tried to summarize my impressions of the problems which Gorbachev faces, because only by recognizing these problems can an outsider hope to realistically estimate Gorbachev's chances of success and what opportunities for developing a safer and more livable world are to be found in the present Soviet predicament. Some have argued that it is in the best interest of the West to exploit that predicament and work for the collapse of Soviet society. Such an approach would, in the opinion of many, help the Soviets to overcome precisely those societal problems which have been identified, but in a way which would lead to a more unstable and dangerous world. Nor can one rule out a military dictatorship.

V. GORBACHEV'S EXTERNAL GOALS AND THE PRICE HE MAY BE WILLING TO PAY TO ACHIEVE THEM

As pointed out in my previous essay, many see the closed nature of Soviet society as the most serious barrier to better relations between East and West. *Glasnost* could help lower this barrier. It appears that Soviet foreign policy is today more flexible than it has been during the past seventy years. Whether military doctrine will track the gyrations of foreign policy remains to be seen. Those tenets of Marxism-Leninism which mandated violent world revolution have been officially and publicly renounced. Also officially disavowed is the hope of world domination and the dogma of the inevitability of a struggle to the death between communism and capitalism. The Soviet Union is sending signals about its inclination to reduce its commitments to, and involvement in, nations outside of its immediate sphere of influence. The Afghanistan venture has been a costly lesson and the deteriorating economy is a warning that, in the absence of constructive change in governance and in

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public attitudes, the Soviet Union will not be able to maintain its international status.

With an eye on the above factors, Gorbachev is telling the Soviet people and the outside world that the arms race must be arrested and reversed if we are not to witness an ever increasing probability of destruction of our civilization. To underscore his perception of this danger he has made what, even a few years ago, would have appeared to be unthinkable concessions, in order to achieve a treaty which eliminates short- and intermediate-range nuclear missile (500-5000 km) in Europe, Soviet Asia, and the USA; but leaving aside the missile forces of France and England. After a number of drastic changes in the Soviet position to bring it into line with the U.S. position (including intrusive on-site and short notice inspections), the so-called zero-zero option was adopted. This entails the dismantling of four Soviet warheads for every U.S. warhead eliminated, and the destruction of their launch platforms.

VI. CONCLUSIONS

For reasons above identified the INF Treaty will be seen as providing military advantage to the West and political advantage to the Soviet Bloc. But the major significance will reside in the precedents the treaty sets. These precedents are vital for future negotiations on reductions in conventional, chemical, and biological weapons, as well as for reduction in strategic nuclear arsenals.

It would appear that the potential political advantages to the East could eventually outweigh the military advantages to the West, but not if the West acts wisely. However, in the unlikely event that the treaty is not ratified, the political damage to the West could be very serious and translate into a degradation in the NATO position relative to that of the Warsaw Pact. The point is that those who oppose the treaty will not be mollified by the fact it is not ratified. From this standpoint the damage will already have been done. On the other side, the much larger number of people in western Europe and the U.S. who applaud the treaty will be seriously alienated from the entire arms control process as conducted by the U.S.

Assuming INF ratification, what comes next? This year could bring agreement on reduction of strategic warheads to 50% of their present levels, since that would still leave an overabundance of deterrent force on each side. However, such an agreement will probably require a tacit agreement on compliance with the ABM treaty during the next decade. Such an agreement will probably be facilitated by Soviet confidence in their ability to neutralize, if feasible, or destroy, if necessary, any battle stations that appear over their territory. The Soviets appear already to have withdrawn their demand that SDI development cease. They only insist that the traditional interpretation of the ABM treaty remain in force, as do some of our allies and many members of Congress.

But what about the longer term future? Continued progress on arms control will depend on the survivability of Gorbachev's policies and public commitments. It will also depend on whether Gorbachev can persuade the world that it is in everybody's interest for his policies to be taken at face value and that there are no hidden agendas which could place western security and/or western values in jeopardy. The West, in turn, must understand that Soviet leadership is facing a great dilemma. For the bureaucracy to stay in power they must improve the quality of life or demonstrate an imminent external

threat. To do the former they must give their people more flexibility and freedom to communicate and travel—they must open up Soviet society. But an open society will expose the shortcomings of the bureaucracy and erode its power.

The most probable scenarios appear to be the following:

(1) General Secretary Gorbachev is sincere and will be successful, at least in the short term. This will be affirmed when we are told more about Soviet goals and intentions, about the true dimensions of their defense budget, when they relax restrictions on emigration and tighten controls against the abuse of human rights. Other indications will emerge when we see the extent to which military doctrine follows political policy, and the extent to which the Soviet Union desists from undermining legitimate governments through military coercion and political intrigue. The above are some of the benchmarks against which we can measure the sincerity of stated Soviet policy.

(2) Gorbachev will fail to achieve his aims through design or circumstance. He will change direction or be smothered by the bureaucracy; and his reforms will falter or even be reversed. The communist party will reassert its dominance, from Moscow, over all facets of life and revert to previous styles of governance; or the military will become dominant.

(3) Gorbachev will succeed without accommodation with the West and the USSR will become more dangerous to world peace than ever before.

(4) The arms control process will break down and the arms race will continue at ever higher levels and with ever greater danger to world survival. The Soviets will break out of the ABM treaty.

It seems to the writer that scenario (1) is both the most probable and the most desirable; and that it is in the interest of the entire world to avoid placing obstacles in its path. It is also the judgment of the writer that the scenario with the second highest probability is (2). Nonetheless, scenarios (3) and (4) cannot be ignored. The West is therefore faced with the necessity of adopting a political and military posture which is hospitable to scenario (1) but which can be responsive, in timely fashion, to scenarios (3) and (4), as well as to (2).

If the U.S. and USSR are to move beyond a 50 percent reduction in strategic missiles to major reductions and balance in conventional weaponry, arms treaties alone will not be sufficient. A lessening of fear, distrust, and suspicion is required. There will therefore be a need to put in place an extensive program of confidence building which, among other activities, would involve U.S.-USSR collaboration on large-scale initiatives which will be seen as having major world benefits. I refer to collaborations in areas such as environmental protection, bolstering the world economy and improving world health through sanitation and medical programs. I also have in mind large programs of student exchange, as well as increased scientific and cultural exchanges.

It is not too early to start enhancing existing activities which contribute to confidence-building and to identify major new initiatives which can have global impact.

THE PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Nebraska.

Mr. EXON. Mr. President, I want to make a speech that I indicated would not be a lengthy speech. I just do not want to interrupt the business of the U.S. Senate on any legitimate issue. I have been waiting to the end of the

day, so that I would not delay action on this measure.

I would simply like to say, is there anyone on the floor now or within the sound of my voice who would like to come to the floor to make a statement on or introduce an amendment with regard to the pending matter before the business of the U.S. Senate?

If not, I will proceed, Mr. President, and not hold up the body, giving the views of this Senator with regard to the matter, the very important matter that is before us that I hope will receive expeditious but thorough consideration and debate in this body.

Mr. President, I rise today in support of Senate consent to the ratification of the INF Treaty. As a member of the Senate Armed Services Committee and the chairman of that committee's Subcommittee on Strategic Forces and Nuclear Deterrence, I have looked long and hard at this treaty and its implications. While it is not perfect, I believe that, on balance and on the whole, it is in the best security interest of the United States and our NATO allies to ratify the treaty. That is why I have been pleading again and again for speedy action in this area.

While we should not be euphoric, let us acknowledge that this is the first meaningful arms control agreement between the United States and the Soviet Union since the Salt II Treaty in 1979. That agreement was never formally ratified.

Americans have yearned for some reduction in the ever-maddening arms race between the two superpowers. Those hopes are shared by billions of people worldwide. This treaty, while a modest step, nevertheless is the first arms reduction agreement of the post-war era. Whole classes of nuclear weapons will be destroyed. We have set up a more rigorous verification scheme than has ever been possible before.

I remember during the SALT II Treaty debate in 1979 the long debates which were held over "on-site" verification. Many at that time said the Soviets would never agree to such intrusive measures. They maintained that we would simply have to be content with satellite monitoring and other intelligence methods. I remember at the time saying that, regardless of the outcome of SALT II, the next arms control agreement would have to include on-site verification. Fortunately, the United States has held firm and we now have this important provision in place at least in part if not to our total liking. This can set the stage for even deeper reductions in other weapons in the future.

The U.S. Senate has done the American people proud throughout this whole process. I have traveled to Geneva to speak with our negotiators and have maintained contact with them during this process. When last-minute hitches on Soviet compliance with the treaty arose, the Senate lead-

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ership demanded that we go back to the Soviets and nail down these loose ends. That has now been accomplished and we can move ahead with ratification with confidence.

Mr. President, move ahead we must. The American people want this treaty and it is deserving of ratification without untimely delay.

Now that there is agreement between the Senate and the Reagan administration, the President should have the treaty ratification papers in his pocket when he lands in Moscow for the summit meeting next week. There is no cause for further untimely delay.

Despite the fact that this treaty deserves ratification on its merits, we must keep it in the proper context. The key to understanding the value of the INF Treaty is in recognizing the interrelationship among strategic nuclear, theater nuclear, and conventional forces. Many try to divorce these three components, setting aside the nuclear issues with an attitude that the nuclear balance is sound and always will be.

Even administration witnesses, including members of the Joint Chiefs of Staff, have testified that the INF Treaty can be dealt with in isolation. I suspect they have said so in their zeal for the Senate ratification of this treaty.

I also suspect that they understand the tremendous reliance the free world has placed upon the nuclear deterrent provided by the United States as well as the critical interrelationship between nuclear and conventional forces. Yet few Americans truly understand our Nation's defense posture and how it developed over the years.

Until recently, we have lost sight of the fact that it has always been the imbalance between NATO and Soviet conventional forces in Europe that promotes instability and a greater risk of war, not only the nuclear balance.

In the years after World War II, NATO and the United States deliberately opted for a strategy relying upon nuclear firepower to deter another world war. Why? Because conventional forces are much more expensive than nuclear ones.

Let me say that again, Mr. President.

Conventional forces are much more expensive than nuclear ones. But I think that that is not the popular perception in many circles today.

We hear rhetoric about how SDI or the MX is going to break the bank, but the reality is that conventional forces are tremendously more expensive to build and maintain. In addition, they have to be equipped, and when you talk about equipping and maintaining conventional forces compared with what it costs to maintain our nuclear deterrence with ICBM's, we find that the ICBM's are minuscule in cost compared with conventional forces. It does not mean that we should not have, and are not going to be required

to have as far as we can now see into the future, a reasonable balance between nuclear forces and conventional forces.

In the end, it has proved less of an economic burden to rely upon nuclear weapons to deter all wars rather than to embark upon a total conventional buildup.

I am not saying that that is the way we should go, but that was a decision that was made sometime ago. Strictly from the standpoint of what is going to cost us the least, then we have to recognize that costwise nuclear deterrence is much cheaper than conventional deterrence. I simply emphasize again, Mr. President, in my view we have to have both.

To a great extent, this idea remains at the core of our defense strategy. But we have learned that the conventional imbalance means that if deterrence fails, our choices rapidly become surrender or nuclear escalation. Neither option is attractive. However, no serious effort to significantly close the conventional balance has ever been sustained for long either by the United States or our NATO allies. To be fair, we have increased our spending on our conventional forces, we have better equipment than the Soviets for the most part, and we have other advantages over the Soviets such as better trained forces.

But in the end, as witness after witness has told the Armed Services Committee during its hearings on the INF Treaty, a conventional imbalance still remains and will remain in the future unless we want to do something about it. Some argue that it has grown even greater in the Soviets' favor, especially as the Soviets close the qualitative gap and field weapons as good or better than ours. And they are presently on that course.

At the same time, the United States also has lost its clear-cut strategic superiority. We now view "parity" or "essential equivalence" in strategic systems as acceptable. Indeed it is, for neither superpower can accept a position of clear inferiority in nuclear forces.

The consequence of this, however, was to raise doubt in the minds of our European allies with regard to the depth of the United States commitment to European security. The unanswered question has long been whether the United States would, in fact, escalate a conventional war that NATO was losing into a nuclear one. In the 1970's, rather than make the economic sacrifices necessary to close the conventional imbalance, NATO opted for a stronger nuclear commitment from the United States. That took the form of Pershing II and ground launched Cruise missiles, the West's INF systems.

The new INF systems were intended to provide a visible linkage between theater and intercontinental forces. They were to be a firm guarantee of

continued American commitment to the defense of Europe.

So how is it that we can now live without them? There are several explanations for this. First, the treaty requires the Soviets to destroy missiles capable of carrying over 1,600 warheads. Instead of being nuclear, these warheads could have been chemical or high explosive and used in support of a conventional Soviet attack. This is now the essence of Soviet military doctrine.

Should the Soviets ever launch a conventional attack upon NATO, that attack would be preceded by massive chemical and high explosive missile attacks upon our critical airfields, port facilities, headquarters, and troop assembly areas. Such an attack could cripple NATO very quickly. In the future, if the Soviets wish to attack these facilities, they must use aircraft, which is a militarily more difficult challenge, or nuclear weapons, which would give them second thoughts about attacking in the first place. So while NATO loses its INF systems, the Soviets are also forced to give up theater missiles capable of nuclear, chemical, or conventional attacks upon NATO's critical bases.

In fact, the Soviets will be forced to give up four times as many missiles as we will. That is a tremendous advantage to NATO.

Second, we need to remember that NATO maintained theater nuclear forces prior to the advent of the Pershing II and Cruise missiles. While these new systems are an improvement over the existing ones, NATO has and will retain aircraft and missiles capable of deep strikes. It will continue to retain these aircraft, submarine-launched and ship-launched systems.

Third, we may wish the Europeans to carry a greater share of the defense burden. But the bottom line remains that we cannot allow the Soviets to dominate western Europe. That requires a continued, strong United States commitment to the defense of Europe and our allies there under NATO.

Fourth, this commitment means that the nuclear "umbrella," the so-called extended deterrence concept, will remain valid for many years to come. The security of both NATO and the United States ultimately rests upon American strategic nuclear forces. There are sufficient numbers of these strategic weapons to cover the targets now covered by our INF systems.

There is, however, another part to this debate—the all important political one. While the governments of our NATO allies were seeking the deployment of our INF systems, it also was clear that the European public would not support such a deployment unless there was a concurrent commitment to negotiations on such systems. NATO did, in fact, act upon this so-called

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dual track approach of building up its forces in an effort to induce the Soviets to agree to arms reductions.

As we all know now, the approach worked. The INF Treaty is a victory for NATO.

Through the INF Treaty, NATO has demonstrated that it is a vibrant alliance which can follow through on a major policy decision. This is a tremendous victory. Conversely, failure by the U.S. Senate to ratify this treaty will disappoint many who expect the United States to live up to its commitment.

More importantly, the INF treaty focuses our attention on real defense issues that have long been neglected and can no longer be ignored. Specifically, NATO must address the conventional imbalance. The consequences of not doing so are to permanently cast NATO in the position of serious conventional inferiority.

This will be even more worrisome should the ill-founded notion of the "triple zero" or nuclear-free Europe catch on. Reduce NATO's reliance upon nuclear weapons even further while ignoring the conventional imbalance, and we have a recipe for disaster. We cannot predict the future and an unexpected crisis could lead to a military confrontation tomorrow. Should NATO prove militarily weak, the Soviets could be tempted to take greater risks than normally prudent.

I have urged the President to hold a summit with our NATO allies in order to develop a concrete commitment and plan to close the conventional imbalance.

To date, I have been disappointed with the response from both the President and our allies. NATO needs to do more in the conventional area today; it needed to do so yesterday. The INF Treaty will not change that; it only makes it more imperative.

Our allies are going to have to make some tough decisions and commit themselves to a significant conventional buildup. We need not match the Soviets tank for tank and gun for gun. But we do need to significantly close the gap.

If the INF Treaty makes conventional forces relatively more important, it also does the same for strategic nuclear forces. Fortunately, Mr. President, the strategic balance is in better shape than the conventional one. That is the result of the attention it has received in recent years.

I warn my colleagues against taking this for granted, however. The ICBM and bomber legs of our nuclear triad still require modernization. While a START agreement may ease this requirement, it makes no sense to me to further reduce our reliance upon nuclear forces without first addressing the conventional imbalance.

We need to strengthen our weaknesses before we negotiate away our strengths.

We need to better think out the relationship between nuclear and conventional forces in the future.

I suspect that no matter what action NATO takes, the conventional imbalance will remain with us for some time to come. This means that the leaders of the West must do a better job of explaining why the United States and NATO rely so heavily upon nuclear weapons for their security. They must also explain why that reliance is so much greater for us than it is for the Soviet Union.

It is difficult for politicians to argue that nuclear bombs have a necessary purpose, but it is finally time to squarely confront this reality. Most important, we need to expose the dangers associated with a nuclear-free Europe.

I wish we could reduce reliance upon our nuclear weapons. My heart tells me that is desirable but my mind and experiences of a lifetime tell me we must do so with caution. It is far easier to "duck" the reality of nuclear deterrence than to face it. Yet with the INF Treaty, now is the time to be honest with ourselves and the people we represent. I have seen the American people respond admirably in difficult times.

I have faith that they will understand this situation and follow a responsible course that will ensure their future freedom and security.

Mr. President, as I said in my opening remarks, we must keep the INF Treaty in the proper context. We must view the INF Treaty both as a first step toward better relations with the Soviet Union, but also within the overall context of our legitimate security needs.

The INF Treaty is not the final step. It imposes new responsibilities and challenges upon us all. I have confidence that we can safely ratify the INF Treaty and build our future security upon it. Let us ratify this treaty now and move on.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the calling be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I intend to speak on the INF Treaty. Of course, I am not prepared to do so at length just at this moment, but I do want to call attention to a very important fact and a fact which, in my opinion, this debate ought to turn on.

NATO is in a state of perilous unpreparedness, a perilous state of unpreparedness. Senators need not take my word for it. They can read the testimony of Admiral Crowe, the Chairman of the Joint Chiefs of Staff. He testified

that NATO has on hand less than 7 days' worth of ammunition and fuel with which to defend Western Europe and with which our 323,000 GI's must defend themselves.

Think of it: Less than a 7-day supply of ammunition and fuel. If I were the parent, if I were the father of one of those 323,000 American GI's stationed in Europe or the father of one of the 310,000 dependents with those GI's in Europe, and if I knew as I know as is now public knowledge, unclassified, that we have less than a 7-day supply of ammunition and fuel for the defense of NATO and for the defense of our very own troops, I would certainly not think too highly of this idea required by the INF Treaty that the United States destroy the two weapons systems best suited to deterring a Soviet attack in the first place or blunting such an attack should one take place.

We introduced the Pershing II missile and the ground-launched cruise missiles into Europe in large measure to offset the severe disparity between the forces of the Warsaw Pact and those of NATO. As is well known, the Soviets and their allies outnumber us greatly in divisions, outnumber us 2-to-1 in tanks and armor and by substantial margin in combat aircraft. We are simply outclassed and would be overwhelmed were the Soviets to attack.

On top of all of that, the severe disparity in weapons and forces and regiments, or I should say divisions, on top of all of that, with that great handicap, our troops have less than a 7-day supply of ammunition and fuel. Now, that is not a classified figure. That is sort of a general figure. They say less than 7 days. What is the exact figure? It is less than 7 days. I cannot say it because it is classified. But it is worse than 7 days. We do not have 7 days. We have less than 7 days. And for us to propose to remove these two weapons, far and away the weapons best suited to deterring an attack and blunting an attack if one takes place, is really to approach the defense of our Nation in a very cavalier fashion.

I know the political attraction of arms control. I know the political attraction of giving the President something to wave in Moscow. But there has to be something more to this than public relations. There has got to be something more to this than feel-good politics, and indeed there is much more—a very grave responsibility to attend prudently to the defense of this Nation and in particular to the 320,000 American GI's who are in Europe inadequately equipped, precariously under-equipped and undersupplied, such that General Rogers, the most recently retired Supreme Allied Commander in Europe, said that as of last year, when he was still commander, his forces, the NATO forces, would be overwhelmed in 10 days to 2 weeks.

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That is the testimony taken by the Armed Services Committee on the INF Treaty. About 2 weeks. In fact, I think he said it was less. I think he said it was 8 to 10 days. General Galvin, the current commander, says he might be able to last 2 weeks. That is the outside optimistic figure, 2 weeks, before he would have to resort to nuclear weapons to avert annihilation of our forces.

That brings in another interesting element. There can be no question that because of the disparity in numbers of forces available to the Soviets, which is favorable to them, a large disparity, and the calamitous and shocking and scandalous unpreparedness of our forces in the area of ammunition and fuel, our commanders would have no choice but to resort to nuclear weapons within 2 weeks at the outside. Now, what happens at that point? Over the years we have evolved the doctrine of flexible response and the weapons with which to carry out such a doctrine. The planning was that if the Soviets were foolish enough to attack and if we were overwhelmed, as almost certainly we would be, such that we had to resort to nuclear weapons, to those force multiplier weapons, we would go to intermediate-force weapons, and that is why we have the Pershing II missiles and the ground-launched missiles, the most modern intermediate-range forces that we have in Europe, swiftest, most accurate, most deadly, most survivable. That is why we have them there. That is precisely why they were deployed and developed. If you take those out, as this treaty will require, you open up in that doctrine, in that arsenal of flexible response, a big gap and you go from conventional warfare in one hop up to the strategic level. Do you know what the proponents of the treaty, many of them, suggest we might do to replace these intermediate-range weapons? They suggest that we begin to use, indeed that we begin to rely upon, strategic weapons, weapons launched from submarines, strategic platforms, and even ICBM's launched from the United States. We go right from conventional warfare to missiles, missiles launched from strategic platforms such as submarines at sea or ICBM's from the United States. Could there be a more dangerous or more provocative doctrine? Could there be a more dangerous or more provocative use of strategic weapons? I cannot think of it.

It is the height of folly to open up that kind of gap in our doctrine and our arsenal of flexible response. The day could well come when we could afford to do that. The day could come when we could say, "Let's junk these things." Good riddance. I would join enthusiastically in it. I would like to push the plunger to blow up a few of these things myself. But the day has not come, and why has it not come? Because nothing has changed in Europe. Indeed, the conventional dis-

parity has grown worse. Both General Galvin and General Vuono, Chief of Staff of the Army, testified that over the last couple of years the disadvantage to NATO has become larger. Not better. Things have not gotten better. They have gotten worse. They have actually gotten worse.

The underlying difficulty in Europe is that there is a massive disparity between the Soviet forces and the NATO forces. If we could address that disparity, we would deal with the underlying problem, and that of course is the subject of the talks on mutual and balanced force reductions. Unfortunately, so far those talks have not gotten anywhere, nor indeed are they likely to go anywhere in the future. If we take away the incentive the Soviets have to negotiate the kind of large asymmetrical reductions which are necessary to bring about some symmetry in conventional forces such that we no longer need force multiplier weapons. But if we take away the Pershing II and the ground-launched cruise missiles, there will be no weapon that can reliably and swiftly and lethally reach Soviet territory, save strategic weapons. And if the Soviets are no longer reliably threatened by intermediate-range weapons, what incentive will there be for them to negotiate down the size of their conventional forces? There will be none, as far as I know. There will be none.

So the bottom line is that we are putting the cart before the horse. I am all for destroying intermediate nuclear forces when they are no longer needed. Has the need disappeared? No. The need has grown greater. It has not diminished. Why? Because the fundamental problem is still there, on the one hand, the great disparities between the forces of the Warsaw Pact and NATO, and on the other hand the almost criminal inattention to defense by our allies and, indeed, even by ourselves, such that we have, as I began by saying, less than a 7-day supply of ammunition and fuel. That is something to think about. Thinking about that does not make you feel good. That is not feel-good politics. But I suggest that we better think about that; and we better very carefully consider the whole equation before we come to a vote on this treaty.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I see the leader on the floor. I shall speak fairly briefly, and shall be happy to yield the floor at any time the leader wishes me to do so.

I wish to speak on the INF Treaty. I plan to offer certain conditions to the

resolution of ratification. As a member of the Senate Foreign Relations Committee I voted against this treaty in committee because I felt the verification matters had not been clarified. I felt that there should be some linkage of the exchange of ratification documents to certification of Soviet compliance with the Helsinki Final Act. I also felt that there should be a linkage of the exchange of ratification documents to assurances of parity in NATO-Warsaw Pact conventional forces. And I felt there should be some linkage of the exchange of ratification documents to certification that any additional conventional force imbalance in Europe resulting from the treaty will not jeopardize the security of NATO or of the U.S. military personnel stationed in Europe or of their dependents.

Mr. President, when I served in the U.S. House of Representatives in the mid-1970's, the argument was made to me that I should support funding for the installation of the INF missiles because they were critical to protecting the lives of American servicemen in West Germany and elsewhere in Europe.

It seems to me that we are giving up our trump card, these missiles, while the Soviets are keeping their trump card, their conventional forces advantage. Many authorities agree with this assessment, including Gen. Bernard Rogers, the former NATO commander.

Also, some of the verification issues have been resolved in the past week. However, we will be discussing others in more detail on the Senate floor.

In the Foreign Relations Committee hearings, I raised many of the issues that were discussed last week by the Secretary of State and Soviet Foreign Minister Shevardnadze, and I am glad that progress has been made in clarifying those issues. But I am not yet completely satisfied that all verification concerns have been cleared up. Regarding verification, on the whole, I believe we are making progress.

Let us remember that the United States is an open society. People can go anywhere here. Indeed, the New York Times reported earlier this year that a Czechoslovakian truck carrying a collapsible airplane traveled around the United States. The airplane flew around taking pictures, presumably of air bases and other confidential sites. We are a very open society. We have virtually free onsite inspection by anybody.

For the first time, the Soviets are granting some degree of onsite inspection, and I will concede that this is a step forward. I hope glasnost is real. Our President has made a great effort in encouraging this movement. But I also believe that we should be very careful about what we are doing here in terms of future commitments.

Our President is going to Moscow soon. A President of the United States

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can make a lot of commitments. For example, I picked up the New York Times last December and read an article that said that the President had communicated to our European allies that we were prepared to modernize our conventional forces in Europe next year if this treaty goes forward.

That line of thinking was sort of dropped by the witnesses before the Foreign Relations Committee. I repeatedly asked, "Will this treaty mean an increase in military spending?" The witnesses uniformly said no, it will not. I think this was the White House line passed down to avoid problems in the ratification process. I go back to that December article, where the President said it is our intention to modernize our forces to Soviet conventional forces advantages. But does the American taxpayer know about that commitment or that intention?

We are told that if we modernize our nuclear forces, we can replace the missiles that are being taken out. In briefings, the military leaders say we need a rail mobile missile system, and a land mobile missile on top of trucks, and so forth.

Indeed, some have said that the long-range missiles are getting old; some are obsolete. They are trying to find a way to replace them and argue that they will have to be destroyed anyway; so perhaps we should have an arms control agreement and pat each other on the back and appear to be destroying a generation of missiles when in fact, by modernizing at the same time, we are merely destroying the obsolete and creating the new.

The point is that we need to analyze carefully what we are doing and where we are going. Overall, in general, it has been a positive thing for the two sides to meet. Discussions can lean to positive results.

I have counseled that we must be very careful. I voted against the treaty in the committee because the verification problems. The treaty was held up, and there had to be additional meetings between the Secretary of State and the Soviet Foreign Minister.

Let us remember that the Russians were ready to start hedging on verification even before the treaty is ratified by the Senate. Imagine what they might do afterward.

Also, I am one Senator who agrees with this administration that the Soviets have cheated on the ABM Treaty and other treaties, and that finding has been universally accepted. In fact, when I was in Geneva about a week ago with our leader, Senator DOLE, this point was raised, and it was not substantially challenged by the Soviet delegation. Perhaps they have grown tired of challenging and decided to except our denunciation.

The point is that we are in an area where we should proceed carefully.

I have prepared statements, also, regarding the Helsinki Final Act. We are told that the Soviet Union is entering into a period of time when it is with-

drawing from Afghanistan, maybe Angola, and other countries.

I was in Vietnam 5 weeks ago, and the Soviets are expanding their presence there. They have a major military base at Cam Ranh Bay which they are expanding. It is not the Soviet Union taking responsibility for feeding and taking in about 30,000 Vietnamese refugees.

The Soviet Union is up to mischief in many parts of the world. Let us not pass over lightly the alleged change in the human rights situation. Even though there is a glasnost policy, some of the things we have seen on television the last few nights cause us great concern.

I believe we should seek parity in the conventional forces of NATO and the Warsaw Pact. If there is to be an agreement on START, we should first have an agreement on conventional forces. That is something that was spoken about frequently in the Foreign Relations Committee hearings. Everybody agrees that there should be parity, but they say we can get it in another agreement. But if we give up our trump card, we may not get it in a later agreement.

Many other things could be covered here, but in the interest of time, let me say that I am concerned that the INF Treaty may make NATO's deterrent less credible.

I am also concerned that it may lead to higher U.S. defense spending as efforts are made to close the gap between NATO and the Warsaw Pact.

I will be here until at least 1990 and will have to vote on defense budgets. If we are told next year that we must increase defense spending to make up for the loss of these INF weapons, we will indeed be in a difficult position because of our budgetary deficit and because our people will not have been properly informed.

Let us remember that the United States already spends one-half or more of its defense budget on European defense. There should be more sharing of this burden by our wealthy European allies and by the Japanese.

While we throw away our INF trump card through negotiations, the Soviets are keeping their trump card, which is a 3-to-1 conventional force advantage over NATO. The Soviet Union has combat divisions in Poland, Czechoslovakia, Hungary, and East Germany. They show no sign of reducing them or in any way removing them.

It is my strongest feeling—and has been since my days in the House of Representatives—that we should have focused first on eliminating the conventional forces imbalance. If the Soviets are serious about lowering the threat, they should reduce their conventional superiority over NATO in troops, tanks, and artillery.

I would be reassured about the treaty if progress were being made in conventional arms control talks. The condition I plan to offer would not kill

the treaty. It would only delay exchanging the ratification documents until the President certifies that parity has been achieved between NATO and the Warsaw Pact forces.

There is also a condition relating to the Helsinki Final Act that I shall raise at the proper time.

So, Mr. President, in conclusion, I am looking very carefully at this treaty. The Senate has some very serious amendments to consider in the days ahead, and one of our basic purposes should be to send a signal to the White House that a START agreement should not be entered into without a conventional forces agreement attached to it.

I am worried that perhaps some commitments will be made by a White House, that is now trying to avoid certain domestic problems, that will go beyond what the Senate intends. The fact that the Senate held up on this treaty as it did indicates the degree of caution in our country about this treaty.

Mr. President, I yield back the remainder of my time.

Mr. DURENBERGER. Mr. President, I rise today as the Senate begins to consider the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter range missiles—the INF Treaty.

Consideration of the INF Treaty by the full Senate is the latest—and most important—step as we continue the ratification process laid out in our Constitution. The INF Treaty was signed by President Reagan and General Secretary Gorbachev on December 8, 1987. The treaty and related documents were submitted to the Senate with a letter of transmittal on January 25, 1988. The same day, the Senate Foreign Relations Committee began its 27 days of hearings. The Senate Armed Services Committee held 20 days of hearings; the Senate Select Committee on Intelligence spent more than 20 days of hearings on the INF Treaty. The Senate Appropriations Committee held hearings on the cost implications of the treaty. The Foreign Relations Committee completed its deliberations and marked up the resolution of ratification on March 30, 1988, and submitted its report on April 14, 1988. The Armed Services and the Intelligence Committees also submitted reports.

Senators have now had time to consider the diligent work done by the Senate committees. We have followed the hearings with interest and we have studied the issues raised in the course of Senate committee consideration. Today, we begin to act as a body on the INF Treaty.

The debate on the INF Treaty will be the most vigorous ratification struggle the Senate has faced since consideration of the Panama Canal treaties in 1978. As we move into the

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debate—conducted in executive session—it is perhaps instructive to lay out for those who are observing our deliberations here the process by which treaties are ratified.

According to article II, section 2 of the Constitution, the President is granted the power “by and with the Advice and Consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.” The Senate does not actually ratify treaties—it consents to Presidential signing of the instrument of ratification by passing a resolution of ratification. A two-thirds vote of the Senate is required to approve the resolution of ratification. A treaty has the force of law once the instruments of ratification are exchanged between signatories and the President announces its ratification.

The Senate will consider the INF Treaty in a two-step process. First, the text of the INF Treaty is read and any amendments to the text of the INF Treaty—or the protocols—are considered. Though it takes two-thirds of the Senate to consent to ratification, it only takes a simple majority to actually amend the text of a treaty. Amendment of the treaty text requires the consent of the other signatory party to enter into force.

After consideration of the treaty text is complete, the Senate begins action on the resolution of ratification. During consideration of the resolution, Senators can address their concerns through a variety of means. The Senate may approve—by simple majority vote—reservations and/or understandings. Reservations modify U.S. obligations without changing treaty text while understandings clarify but do not change treaty provisions. Because of the sometimes murky distinction between reservations and understandings—especially in terms of the need to gain consent from the other signatory party—the Senate Foreign Relations Committee agreed to a three-tiered system for categorizing Senate conditions during the deliberations on the INF Treaty.

Conditions which are only instructions or understandings within the U.S. Government—such as declarations by the Senate on issues related to the treaty—fall into category 1. Category 1 generally consists of “sending messages to ourselves” since communication to the Soviets is not necessary. Category 2 includes conditions which are formally communicated to the Soviet Union but do not require its agreement. Category 3 conditions must be communicated and agreed to by the Soviet Union.

It is important to remember that under international law, it is the substance of a particular condition that determines its status. Whether called a reservation or understanding, what a given condition actually says determines whether the approval of the other party is necessary for a treaty to enter into force.

It is clear that a treaty which has been under negotiation for most of this decade cannot be casually changed by the U.S. Senate. It is also clear that the Senate must fulfill its constitutional duties for advice and consent in a careful and thoughtful manner. No one wishes to rush consideration of the INF Treaty. Unlike regular legislation which can be changed readily if unforeseen problems occur, treaties “are forever.” Because the INF Treaty is of unlimited duration, the Senate must exercise special care to insure that we anticipate as much as humanly possible.

One of the major advantages of the INF Treaty is that it bans certain classes of weapons—forever. Because of this permanence, Senators must make sure that we—and the American people—understand what each and every clause of this treaty and its related documents mean.

It is this process of ensuring the Senate understands exactly what the INF Treaty means, and what its implications are, that will occupy our energies for the rest of the month. The time we will spend on the INF Treaty is worth it—because the treaty strengthens the link between arms control and our national security interests, because the treaty increases the security of our allies, because the treaty sets valuable precedents for future arms control, and because the treaty is a vital step in making our world safer from the threat of nuclear war.

The treaty strengthens our national security because it is good arms control. And it is the first arms control agreement likely to be ratified since the ABM Treaty in 1972. The INF Treaty is testimony to the soundness of the Reagan approach to arms control: do not give in when a proposal is consistent with our defense posture and has the support of our allies, the Congress, and our citizens. Under these conditions, persistence pays. The “double-zero option,” calling for the elimination of all intermediate-range nuclear forces, was first proposed in 1981. Even though the Soviets walked out of all arms control negotiations in 1983 and threatened the European democracies, President Reagan and our allies held firm behind the zero option. The INF Treaty before us today is the embodiment of the zero option and a tribute to alliance solidarity.

The INF Treaty strengthens the security of our allies because it shows the North Atlantic Treaty Organization [NATO] is capable of making and implementing a decision in the face of tremendous domestic and international opposition. The 1979 “dual track” decision was taken in response to the Soviet deployment of the SS-20 missile system. NATO decided to modernize its own nuclear forces while pursuing arms control negotiations designed to make such modernization unnecessary. Modernization did begin in

1983—despite many opponents here and abroad. The NATO alliance survived and arms control prospered in the form of the treaty before us today.

The INF Treaty sets vital precedents for arms control in a number of areas. First, the INF Treaty is the first accord in history to actually reduce the number of nuclear weapons. SALT I and the unratified SALT II agreement only capped United States and Soviet arsenals—they did not reduce overall numbers. This treaty actually reduces the superpower arsenals. Second, the INF Treaty represents the first time an entire class of weapons—missiles with ranges of 500 to 5,500 kilometers—have been eliminated through arms control. Supporters of arms control to understand the importance of this precedent.

Third, the fact that over 2,700 weapons—with more than 4,000 warheads—will be dismantled means that the superpowers will establish a workable system for dismantling and destroying nuclear weapons. Such a regime—with all necessary verification—will exist because of the INF Treaty and will make any future reductions much easier to implement. The verification provisions negotiated in the INF process are far more intrusive than anything the Soviet Union has ever agreed to in the past. And this is very significant for any future agreements on arms control.

Fourth, the INF Treaty is based on the concept of asymmetrical reductions. That is, while the Soviets are required to destroy the launchers for more than 3,100 warheads, the United States is only required to destroy less than 900. The Soviets give up 857 deployed and 979 nondeployed missiles while the United States gives up 429 deployed and 438 nondeployed missiles. The concept of asymmetrical reductions will be central if any progress is to be made on reducing conventional weapons in Europe.

The establishment of these important arms control precedents in the INF Treaty makes future arms control more feasible and more likely. The strategic arms reduction talks [START] have made tremendous progress in recent months. Significant issues remain—and there may not be time for a START Treaty to be completed before this President leaves office. Whether there is further agreement or not, President Reagan has broken new ground and laid out a framework that our next President cannot ignore.

Many issues will be debated during Senate consideration of the INF Treaty. One of the first will be the condition added by the Foreign Relations Committee concerning treaty interpretation. Democrats on the committee were joined by Senators HELMS and MURKOWSKI in adding language which asserts a Senate role in any “reintepretation” of a treaty. This issue grew out of the administration's

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action in reinterpreting the 1972 ABM Treaty. Once the Senate begins consideration of the actual resolution of ratification, the condition added by the committee will be the first order of business.

The issue of how the INF Treaty applies to so-called futuristic weapons—that is weapons that destroy their targets by nonnuclear and nonexplosive means—figured prominently in the past few weeks. The issue was addressed in meetings with the Soviets and we now have a common understanding—in writing—clarifying the status of futures under the terms of the INF Treaty. We still may hear debate in the coming days about exotic weapons using lasers and hyper-sonic boost but quick response to Senate concerns has removed a major potential obstacle.

The list of additional issues we will consider is long—as long as the imagination of Senators. A partial count includes: the legal authority of the Secretary Gorbachev to sign the treaty; Soviet human rights practices; Soviet withdrawal from Afghanistan; United States control compliance policy; the conventional force balance in Central Europe; alliance “burden sharing;” the accuracy of information provided by the Soviet Union as part of the memorandum or understanding accompanying the INF Treaty; modernization of NATO nuclear forces with ranges less than 500 kilometers.

The length—and importance—of this list shows why we will spend so many hours on the INF Treaty. I announced my support for the INF Treaty last year. Since that time, I have examined the treaty and related documents in detail, I have discussed the treaty with my colleagues, and I have met with administration officials to discuss INF-related issues. My support for the INF Treaty today is stronger than ever. During our consideration of the INF Treaty, I will continue to work for its ratification without crippling conditions.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection it is so ordered.

CATHEDRAL OF ST. MARY STAR OF THE SEA

Mr. LEAHY. Mr. President, the Cathedral of St. Mary Star of the Sea overlooks beautiful Lake Memphremagog in the very northern reaches of my home State of Vermont. Since only a small part of the lake is in the United States, and the rest in Canada, the setting has a rich international tradition. For many years, homilies have been given in both French and English because of the proximity of Newport, VT, to the French speaking Province of Quebec.

This tradition of international good will is being continued today by Father Charles Davignon, the church pastor. For the last 20 years, the church rectory has become a port of entry for refugees seeking to emigrate to Canada from Central America, Europe, and South Africa.

Canada's lax immigration laws lure many immigrants to its borders. But the large numbers of immigrants have created problems for Canadian officials who cannot schedule hearings at the pace of new arrivals.

Since immigrants are not allowed to work in the United States, prolonged detention at the border can exhaust what little savings they have brought with them.

The Vermont church is providing food and shelter to many of these refugees. Father Davignon, who served as a missionary in Peru, is fluent in Spanish as well as French and assists the refugees even further by translating their applications, and explaining their problems to Canadian officials.

Mr. President, I ask unanimous consent that an article appearing in the April 17 edition of the Sunday Rutland Herald and the Sunday Times Argus, describing the efforts of this remarkable parish priest in Vermont be reprinted in its entirety. Father Davignon's work should be an inspiration to all of us. The Leahy family is proud to have him as a close friend.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Rutland Herald and the Sunday Times Argus, Apr. 17, 1988

PRIEST IN NEWPORT FEELS AT HOME WITH MISSION THAT AIDS REFUGEES

(By Monica Allen)

NEWPORT—When Father Charles Davignon left missionary work in Peru to return to Vermont, he sadly thought he had left his Spanish behind forever.

But the language Davignon, 57, mastered while working as an associate Maryknoller in the 1960s and 1970s has come in handy recently in an unlikely place—the Northeast Kingdom where he serves as pastor of St. Mary Star of the Sea.

The granite cathedral with two silver-domed spires sitting on a hill overlooking Lake Memphremagog has become a symbol of shelter to 11 refugees over the last two years, many of whom speak only Spanish. Davignon, a slight, gray-haired man with a bright sense of humor, who also speaks fluent French, has opened the doors of the Catholic church's rectory to refugees from

El Salvador, Chile, Paraguay as well as South Africa, Ireland and Italy.

It started two winters ago when a fellow priest showed up on the doorstep with three Chileans. The priest was helping the Chileans—undocumented workers who had been living in Rhode Island—to enter Canada.

“He's here with three Chileans, wondering if there's any place to stay,” Davignon recalled. “And he knows I have a mansion,” he added, referring to the grand 14-room rectory.

That night began what Davignon now describes as his church's new mission.

The refugees come to the border, a few miles from the church, trying to enter Canada. They are drawn by that country's lenient immigration policy. Tightened immigration laws in this country have made it impossible for undocumented workers to hold a job without risking arrest.

But because so many people are flooding into Canada, that country has been turning them away temporarily until officials can schedule hearings. The hearings were held immediately as a person entered the country until last year when the law changed, forcing people to be turned back.

American immigration officials allow the refugees to await hearings in this country as long as they don't try to hold a job, said Ronald Gardner, area port director for Immigration and Naturalization at Derby Line.

The waiting period presents a problem for people like Teresa Alvarenga, 52, of El Salvador, who spend practically all the money they have just getting to the border. The small woman, with curly reddish hair and light brown skin, thought she would spend a day in customs answering questions and then could go with her children, already refugees in Canada, to their home in Quebec City.

But on March 6, she was returned to the American side of the border in Derby Line to await a hearing on April 19. She was left holding her baggage, with no place to go and only \$23. She spoke Spanish and only a bit of English.

Alvarenga, a nurse, fled from the city of San Salvador more than six years ago when fellow nurses were being assaulted and murdered. She went to live with other Salvadorans in Los Angeles. When her son and daughter, who entered the country a few years later, were forced to leave Los Angeles last year, she decided to follow them as soon as she could. Her children were undocumented workers in Los Angeles and risked arrest if they continued working there.

Alvarenga flew to Boston on March 5, expecting the airport to be a taxi ride away from the Canadian border. Instead, she learned she was more than 300 miles from Derby Line. She spent one night in a Boston motel and paid more than \$85 for the room and a taxi ride from the airport. In the morning, she telephoned her children in Canada and they sent a friend to drive her to Vermont. When she could not enter Canada that day, she was taken to a Derby Line motel.

It was here she learned about Davignon.

Immigration officials on both sides of the border are familiar with Davignon and openly thankful to him. “He's done a great service for the area,” Gardner said.

The scene in Derby has been repeated in other communities along the border. In Plattsburgh, N.Y., where refugees have come by the busload to the nearby border, a local shelter has a special program to address their needs while they await hearings.

Davignon drove to the motel that night to take Alvarenga to the church. Since then, she has stayed in a small dormitory room at the Sacred Heart parochial school, next to

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the rectory. The dormitory is nearly empty as the school prepares to close its high school next year and offer only elementary education.

Alvarenga dines with the nuns who run the school. Some of the older nuns in the French order of Daughters of Charity of the Sacred Heart speak only French.

"They mix French, English and a sprinkling of Latin, and manage to communicate," Davignon said. The students have also tried their best.

In the school yard on a recent sunny afternoon, children waved and shouted "Hola, Hola" as they ran up to greet Alvarenga and Davignon. They have proudly mastered the Spanish word for hello.

Parishioners have also assisted Davignon by inviting the refugees to their homes for dinner, giving toys to the children and opening up their vacant apartments when needed.

The refugees have added spice to Davignon's routine. He has enjoyed talking with people about the political issues in their homelands. He also enjoys helping them navigate the complications of immigration law.

The wild phone calls and surprise visits have caused some amusing and some tense moments. One evening, Davignon was hosting Bishop John Marshall, 10 other priests and more than 100 parishioners for a Mass and dinner celebration. In the middle of the event, an Indian man and a citizen of South Africa walked in holding baggage. The South African had been forced to leave his country for taking a position against apartheid, and he wanted to join his wife who already had emigrated to Canada.

The man had called the rectory a few nights earlier and talked with Davignon. He then traveled by mistake to Newport, R.I., looking for the church and finally took a bus to Newport, Vt. Once in town, he could see the church on the hill and he trooped up on foot.

He needed a ride to Canadian Customs where his wife would be waiting for him to make entry. So, Davignon excused himself from his host duties and drove the man to customs.

"It was kind of tense for him at the border. He was asking me, 'What should I tell them?'," Davignon said. "I told him to simply say he was applying for refugee status."

With the situation under control, Davignon raced back to the church to continue with the celebration.

The church has no extra money to help feed and house the refugees except for a recent anonymous gift in the collection plate. Davignon turned it over to the nuns for food and other expenses. The sporadic visits have not caused a problem, but Davignon believes the numbers will increase and there should be a better hospitality system. Ideally, he would like to see the laws changed to allow the people into Canada sooner.

"I wish there was some structure, like 'legal temporary entry'," Davignon said, "so these people would not be dehumanized, not feel isolated."

"I'm not critical of the laws, but I do feel neither one of the governments has addressed the problem of the turned-back alien," he said.

For now, Davignon is happy to take care of the small numbers of refugees. It brings back memories of his days as a missionary. On the wall of his office hangs an alpaca blanket with a llama in its center, an artifact from his years in Peru. A Spanish dictionary sits prominently on his bookshelf, near a painting of the farmhouse in Brownington, Orleans County, where he grew up.

"I miss that whole mission world," Davignon said. He adds, "This is a new mission for all of us."

KIDSPAC

Mr. LEAHY. Mr. President, recently, the New York Times had an article about my friend Bill Harris and his involvement with Kidspac in Cambridge, MA.

We live in a critical era where the powerful, wealthy, and those representing large blocs of voters have unprecedented clout on Capitol Hill. What Bill Harris has done is to persistently and with great credibility speak for children—those who are not wealthy or powerful or even vote. On the political scene it is one of the few marks of real altruism and deserves the recognition of all of us. Because of that, I ask unanimous consent that the excellent article about him be placed in the RECORD at this point, so that he can have this degree of national recognition.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GROUP'S FOUNDER RAISES MONEY TO
PROMOTE INTERESTS OF CHILDREN

(By Kathleen Teltsch)

CAMBRIDGE, MA.—It is not your typical political headquarters. A blue stroller graces the entrance, and there is a playpen in the reception area. The silence is often broken by an 11-month-old baby's bid for attention. "Jack comes to work every day with his mother, and he incidentally improves the quality of life for all of us," said William Harris, who runs the operation and is happy to have an assistant's baby around the office. "In this place, it's perfectly natural."

Perhaps so. Mr. Harris is the nonsalaried founder, president and treasurer of the political action committee Kidspac, and for the past seven years he has been raising money for candidates who support programs and policies that he thinks are good for America's children.

"It was a way to saying 'thank you' to them at a time when I felt more needed to be done to focus public attention on the problems of children and families and to enlist the support of Congress," said Mr. Harris, a 48-year-old private investor who is the father of two children. His wife, Robie, is an author of children's books.

THE YEAR OF THE CHILD

Mr. Harris has managed to raise more than \$1 million for Kidspac, and now, although he disdains taking credit himself, he sees a bright political landscape in the area of child care, prenatal health and early education.

"This has become the year of the child," he said. "The politicians are coming aboard the ark in droves."

He sees them arriving two by two, Republicans and Democrats, Democrats and Republicans. He reels off the names of governors and mayors around the country making earnest commitments in the area. Governor Cuomo of New York has called for a "decade for children."

One of Kidspac's major expenditures, \$56,000 financed a nationwide poll of 1,201 registered voters that found 47 percent saying that a candidate giving special attention to early childhood issues would be appealing to them. The response was even higher among voters 18 to 34 years old and

Southerners and working women with children under 10.

Mr. Harris, who has a doctorate in urban affairs and a background in communications, says candidates are increasingly seen and photographed around children.

"Aware that working mothers with children under 10 comprise 8 percent of the voting electorate," Mr. Harris said, "more and more candidates are showing up at the office gates."

Such attention is important because, in Mr. Harris's view, the free market system cannot meet the needs of America's children without government help.

As welcome as 11-month-old Jack is in the headquarters of Kidspac, for example, Mr. Harris says child care should not depend on an employer's approval or the readiness of some companies to provide a facility for children as an inducement to working mothers.

Government resources are needed for quality day care and that requires trained people making a fair wage," he said, adding: "Investing in children and nurturing and educating them into the next century is not just a plank in a political platform. It is the basic foundation of our society's future."

Arguing that attention to children's issues also makes good sense from an economic viewpoint, he pulled from a shelf a recent study by the House Select Committee on Children, Youth and Families. The committee concluded that early prevention services like childhood immunization or supplemental food programs save the Government money by averting permanent illness or disability in later life.

An increasing number of business organizations are recognizing childhood issues, Mr. Harris maintained. Picking up another study, this one by the Committee for Economic Development, he said: "Here's a group of blue-chip businessmen urging investing heavily in the educationally disadvantaged because we're going to have a terrible time meeting the demand for jobs by the turn of the century."

Important union groups are also becoming involved, he said, such as the American Federation of State, County and Municipal Employees. "Fortunately, the ark is a big one," he said.

Mr. Harris has no easy explanation for what he calls the configuration of forces coming together on early childhood questions. "Maybe it is the gene expressing itself," he said.

The gene factor could also be an element in the creation of Kidspac.

He remembers the notion of a political action committee for children came to him one day as he was standing on the steps with his father, Irving Harris. The older Mr. Harris, a Chicago businessman, has given generously to programs benefitting families. One of them is the widely watched Beethoven Project, aimed at helping families in a low-income housing project by providing expectant mothers with prenatal care, and later teaching them about nutrition and other factors to aid them as parents.

Kidspac's major focus is also on such prevention programs: "We believe very strongly," William Harris said, "that it makes good politics, good economics and it's good for the soul."

NATIONAL PEACE OFFICERS'
MEMORIAL DAY SERVICE

Mr. TRIBLE. Mr. President, over the past weekend the Nation's capital hosted the seventh annual "National